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ABSTRACT

A report is presented of the hearing concerning H.R. 3344, the Crime Awareness and Campus Security Act, in which testimony was given by several college officials concerning the steps they have taken and plan to take, and from parents and students concerning their fears and, in some cases, their personal tragedies. Among the individuals presenting their testimony are: Robert H. Atwell, President of the American Council on Education; Father William J. Byron, President of the Catholic University of America, Washington, D.C.; Dorothy G. Siegel, Executive Director, Towson State University; Frank Carrington, Counsel, Security on Campus, Inc.; James E. Caswell, Chairman, Task Group on Campus Safety and Security, National Association of Student Personnel Administrators, Washington, D.C.; Eamon M. Kelly, President, Tulane University; and Douglas F. Tuttle, Chairman, Government Relations Committee, International Association of Campus Law Enforcement Administrators, Hartford, Connecticut. Additional material submitted for the record includes a summary of the publication, "Sexual Assault on Campus: What Colleges Can Do," which describes programs and policies that will enable colleges and universities to reduce the incidence of sexual assaults on their campuses and respond effectively to the victims of these crimes. (GLR)

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HEARING ON H.R. 3344, THE CRIME AWARENESS AND CAMPUS SECURITY ACT OF 1989

HEARING

BEFORE THE

SUBCOMMITTEE ON POSTSECONDARY EDUCATION

OF THE

COMMITTEE ON EDUCATION AND LABOR
HOUSE OF REPRESENTATIVES

ONE HUNDRED FIRST CONGRESS

SECOND SESSION

HEARING HELD IN WASHINGTON, DC, MARCH 14, 1990

Serial No. 101-75

Printed for the use of the Committee on Education and Labor

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CONTENTS

Page
Hearing held in Washington, DC, March 14, 1990 1

Statement of:

Atwell, Robert H., President, American Council on Education; James E. Caswell, Chairman, Task Group on Campus Safety and Security, National Association of Student Personnel Administrators, Washington, DC; Dorothy G. Siegel, Executive Director, Towson State University, Center for the Study and Prevention of Campus Violence; and Douglas F. Tuttle, Chairman, Government Relations Committee, International Association of Campus Law Enforcement Administrators, Hartford, CT. 9
Byron, Father William J., S.J., President, the Catholic University of America, Washington, DC; and Dr. Mary-Linda S. Merriam, President, Wilson College, Chambersburg, PA 103
Clery, Mr. and Mrs. Howard, Security on Campus, Inc., Bryn Mawr, PA; Mrs. George Nieswand, Long Valley, NJ; Ms. Kristin Eaton-Pollard, Syracuse, NY; and Ms. Dana Getzinger, Palm Beach Gardens, FL 59
Levine, Hon. Mel, a Representative in Congress from the State of California 5

Prepared statements, letters, supplemental materials, et cetera:

Atwell, Robert H., President, American Council on Education, prepared statement of 12
Byron, Father William J., S.J., President, the Catholic University of America, Washington, DC, prepared statement of 105
Carrington, Frank, Counsel, Security on Campus, Inc., prepared statement with attachments 133
Caswell, James E., Chairman, Task Group on Campus Safety and Security, National Association of Student Personnel Administrators, Washington, DC, prepared statement of 21
Clery, Mr. and Mrs. Howard, Security on Campus, Inc., Bryn Mawr, PA, prepared statement of 63
Eaton-Pollard, Kristin, Syracuse, NY, prepared statement of 87
Getzinger, Dana, Palm Beach Gardens, FL, prepared statement of 94
Kelly, Eamon M., President, Tulane University, prepared statement of 129
Merriam, Dr. Mary-Linda S., President, Wilson College, Chambersburg, PA, prepared statement of 111
Nieswand, Mrs. George, Long Valley, NJ, prepared statement of 74
"Sexual Assualt on Campus: What Colleges Can Do" report entitled 121
Siegel, Dorothy G., Executive Director, Towson State University, Center for the Study and Prevention of Campus Violence, prepared statement of 27
Tuttle, Douglas F., Chairman, Government Relations Committee, International Association of Campus Law Enforcement Administrators, Hartford, CT, prepared statement of 33

HEARING ON H.R. 3344, THE CRIME AWARENESS AND CAMPUS SECURITY ACT OF 1989

WEDNESDAY, MARCH 14, 1990

House of Representatives,
Committee on Education and Labor,
Subcommittee on Postsecondary Education,
Washington, DC.

The committee met, pursuant to notice, at 10:05 a.m., in Room 2175, Rayburn House Office Building, Hon. Pat Williams [Chairman] presiding.

Members present: Representatives Williams, Hayes, Lowey, Poshard, Coleman, Goodling, and Gunderson.

Staff present: Richard Jerue, staff director; Colleen Thompson, clerk; and Michael Lance, minority legislative associate.

Chairman **Williams**. As we open this hearing on the Subcommittee on Postsecondary Education, we bid you all a good morning. The hearing will come to order.

Today the Subcommittee on Postsecondary Education meets to hear testimony regarding H.R. 3344, the Crime Awareness and Campus Security Act of 1989.

This legislation, as many of you know, was introduced by our colleague and the ranking member on the full Education and Labor Committee, Congressman Goodling. It is a problem that concerns him, you, Congress, and I think all Americans, and we commend Bill for his leadership on this matter.

Colleges are places devoted to learning. Yet all too often, events occur on campus that detract from that basic mission. Recently this subcommittee has been struck by the recurring reports of incidents of crime taking place on the Nation's campuses.

The Washington Post carried a series of articles on this topic last month, and although I recognize that colleges and universities are committed to making their campuses as safe as possible, these recent reports have raised some questions about what steps have been taken thus far, and what actions can be taken in the future to assure that colleges remain communities where learning takes place in a safe and secure environment.

Today we will hear from a number of witnesses on this topic. We will hear from college officials concerning the steps they have taken and plan to take, and we will hear from parents and students concerning their fears and, in some cases, their personal tragedies.

From these witnesses, we will inevitably learn more about this topic that concerns all of us, and we will have a better understanding about what needs to be done and what can be done.

I want to, in advance, thank all of the witnesses, and tell you that your entire testimony will be made part of the hearing record. We would ask you to summarize your testimony as best as you are able to do in the short time frame that's available to us for this hearing.

Let me now turn to Mr. Coleman, the ranking member of this committee.

Mr. COLEMAN. Thank you, Mr. Chairman. As ranking Republican member of our subcommittee, I want to welcome our witnesses today to this hearing, and I look forward to hearing your testimony.

I particularly want to say a word of welcome to the parents and to the students who will be here today testifying about their own experiences. I know you have traveled far in some cases, and your testimony is important to this legislative process.

We're going to try to move this bill and my colleagues listening to your testimony, I think, will be moved by it. As a father of a daughter who is just completing her first year at college, I find the concerns of campus crime and campus security striking very close to home.

Ironically, just last night, I visited with my daughter on the telephone. She was very upset. She said that at 9:30 on campus last night, a girl was raped by a man in a ski mask. She was very upset about it because it occurred very close to her dormitory.

This was a second incident of this nature on this campus in the last week. As far as we are concerned, spring break, which starts tomorrow, cannot come too soon for us.

I want to emphasize that the committee staff has worked very closely with the higher education community in drafting this bill, and especially to Bob Atwell, who will be testifying, who represents the umbrella organization of the American Council on Education.

In looking at the testimony that has been submitted, the information that Towson State provided to the committee, I think is very important about violent student-to-student crimes. Their conclusions are that 80 to 85 percent of all campus crimes and violent acts, according to its surveys, are cases in which one student victimizes another student.

In a great majority of these cases, perhaps as many as 95 percent, these crimes and acts of violence are committed under the influence of alcohol or drugs.

So, this is an area that, pretty frankly, at first, when Bill Goodling mentioned the bill, I was not—really felt that perhaps we should be involved on this subject, as a Federal matter.

Obviously, it's an issue of concern to all campuses and localities, but the more I looked at it, the more information that I received, surely if we're providing billions of dollars for student assistance and aid, then perhaps we do have a responsibility to parents and to students to assure that at least there is some information available for them to know in how to gauge on their selection of where they're going to school and what their schools are doing for them in protecting them.

So, I look forward to the witnesses today, and surely see this as an educational effort by the witnesses for this panel this morning, and thank the chairman very much for holding this hearing.

Chairman **Williams**. Thank you. Both on this committee, the Postsecondary Education and in the Full Education Committee, there have been policy differences as how to best improve education in the United States, but throughout the history of this committee, we have avoided, for the most part, party differences, that is, partisan, political differences.

For more than a decade and a half, Bill Goodling has consistently been the member on this committee, as well as the full committee, who has avoided partisanship, understood there will be policy differences, but never let politics enter it.

I must say, as we are hearing your legislation today, Bill, that for a decade and more than a decade and a half now, you have been one of the great supporters of education and innovation for education in the Congress, and this committee is more than pleased to hear your legislation, as we have heard others through the years, and to recognize you now for an opening statement.

Mr. **Goodling**. Thank you, Mr. Chairman. I appreciate those kind remarks, and I also appreciate the opportunity you're giving us today to have a hearing on H.R. 3344, the Crime Awareness and Campus Security Act of 1989.

Last year, a Pennsylvania family, Howard and Constance Clery, who are sitting before us this morning, came to me and asked me to introduce a campus security bill at the Federal level to increase the safety of our college and university campuses.

Mr. and Mrs. Clery had been instrumental in the passage of a Pennsylvania campus security bill after the very tragic and avoidable death of their daughter in her dormitory room at Lehigh University.

I agreed to introduce this legislation because I feel that H.R. 3344 is basically a consumer right to know bill. Students, members of the faculty, employees of postsecondary institutions should be aware of crimes committed on campus, and should be familiar with campus security policies to make informed decisions about their own safety.

Since the passage of the Pennsylvania law, three other states have adopted campus security legislation, and similar legislation is pending in an additional twelve states. Unfortunately, these state bills are not uniform in either their requirements or their standards.

Furthermore, we have no comprehensive data on campus crimes. Only 352 institutions of higher education voluntarily provide such data at present to the Federal Government. H.R. 3344 simply requires all postsecondary institutions, which participate in Title IV student financial aid programs, to provide annual crime data through the uniform crime report of the Federal Bureau of Investigation.

The bill also requires annual reports which outline campus security policies and campus crime statistics for the most recent three academic years. These annual reports must be provided to all current students, members of the faculty, and employees of the institution, and they are to be made available upon request by applicants or parents of perspective students.

Importantly, the bill also requires interim reporting of crimes in a manner that is timely, and will aid in the prevention of similar occurrences, and because of the correlation between alcohol and drug use with violent campus crimes, provisions of the bill focus on campus policies regarding the possession, use, and sale of alcoholic beverages and illegal drugs on campus, and the campus enforcement of state and Federal laws regarding these violations.

Now, it is very important to understand that we are not, and I repeat, not asking for any names of victims or perpetrators of the crimes, just statistics, and, therefore, do not infringe in any way on the privacy rights currently protected by statute.

We have brought together three panels of witnesses to provide the subcommittee with a broad perspective on this legislation. We will hear from representatives of higher education institutions, of campus security offices, of administrators directly responsible for student affairs.

We will also hear the testimony of parents of students tragically murdered in their dormitory rooms, and from two students who were victims of violent campus crimes. We will hear the testimony of the president of an urban university.

We will also hear the testimony of a president of a liberal arts college in Pennsylvania, who will comment on the impact of the Pennsylvania campus crimes statue, which has now been in effect for almost two academic years.

I welcome you all, and in particular, I welcome the parents and students who have come here today to testify about matters of great pain and enduring sorrow.

I want to say finally that Congress cannot legislate the safety of young people that are in institutions of higher education, nor can it mandate sanctuaries which are free of the violence of the larger society, but Congress can encourage those colleges and universities that benefit from Federal student aid programs to establish effective security policies, and to provide timely information about campus crimes.

There can be no more fitting memorial to the victims of campus crime, such as Jean Clery, Karen Nieswand, Dana Getzinger, Kristin Eaton-Pollard, than legislation which seeks to prevent the recurrence of such tragedies by providing information to other students, and other members of the campus community, so they will be able to make informed decisions about their own safety.

I, again, thank you, Mr. Chairman, for holding these hearings.

Chairman WILLIAMS. Thank you. Let me turn to either of our other two members to ask if they have an opening statement. Mr. Poshard.

Mr. POSHARD. Thank you, Mr. Chairman, and thank you for holding this hearing. I think this is an important issue to study and get at some of the different aspects of campus crime and its causes.

I know back in Illinois where I live, several of the campuses have undertaken a night each spring that they call, "Take Back the Night," because you wouldn't think that on a campus there would be such fear of crime.

You would think it would be a safe place for all of our children, but on too many campuses, it isn't. "Take Back the Night" is just one example of something very pragmatic that the students are undertaking to try to counter the effects of crime where they live on campus.

Date and acquaintance rape, alcohol and drug abuse, all of these things contribute to the fear on college campuses today. I think it is appropriate that we understand and undertake to know what the responsibilities of parents are, of students, and the administration and the university itself in regard to crime on campus.

So, I think this is an important hearing and an important bill. I thank you, again, Mr. Chairman, for allowing us to participate in this hearing.

Chairman **WILLIAMS**. Thank you. Mr. Hayes?

Mr. **HAYES**. Thank you, Mr. Chairman. I want to commend you, as my colleagues have done, for scheduling this hearing. I have no statement and, in the interest of time, and the desire to hear this impressive list of witnesses to deal with what I consider to be an important issue that certainly demands the attention of our Congress, and I want to hear them, so I won't, I have no prepared statement.

Chairman **WILLIAMS**. Thank you, Mr. Hayes. Our first witness today is California Congressman Mel Levine, who is very interested in a specific matter with regard to campus crime. He's spent a good deal of time, as has Mr. Goodling, considering the issue. I understand he may be preparing legislation himself.

Mel, we are delighted you're going to be our lead-off witness today. Please proceed.

STATEMENT OF THE HONORABLE MEL LEVINE, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Mr. **LEVINE**. Mr. Chairman, thank you very much. I want to commend you and Mr. Goodling and the bipartisan membership and leadership of this subcommittee for taking the lead in calling attention to this extremely important issue, and I very much appreciate your inviting me to testify on this crucial subject today.

As you indicated, particular aspect of this issue is an area that I've been deeply concerned about in working with some friends and constituents in my own district now for a year or so.

I will be in the next couple of weeks, actually, introducing a bill on this specific aspect of this problem which I will outline in the course of my testimony.

The issue of campus crime, as you are focusing on it, as Mr. Goodling is focusing on it, as the subcommittee is focusing on it, is extraordinarily important, and in particular, I'd like to focus on the issue of rape and sexual violence on college campuses.

As I indicated about a year or so ago, I became painfully aware of this problem through work that I've been doing in my own community with the Santa Monica Rape Treatment Center, which is located in my district in Santa Monica, California.

Since this center was founded at Santa Monica Hospital in 1974, the Rape Treatment Center has provided free medical, psychological, and legal assistance to over 12,000 victims of sexual assault.

Many of these victims, it turns out, have been sexually assaulted on college campuses.

The Rape Treatment Center, I think it's fair to say, is universally acclaimed in my community, and beyond it as an outstanding organization dedicated to helping victims who have experienced the trauma and brutality of sexual assault, and I want to commend their efforts to you.

Mr. Chairman, a recent national survey estimated that as many as one out of six college women have been the victim of rape or attempted rape during the preceeding year. These are shocking figures.

These sexual assaults are a violation of the student codes of conduct at colleges and universities and can lead to a disciplinary hearing at these colleges and universities. If the student accused of the assault is then found guilty at the disciplinary hearing, a number of penalties can be invoked by the school, including suspension or expulsion from the school.

Unfortunately, Federal law currently prohibits universities and colleges from informing victims of the outcome of the disciplinary hearing, because it is considered to be a "student record" requiring confidentiality under the Family Educational Rights and Privacy Act.

If a college ends up disclosing such a result, that college runs the risk under law, as it is currently written, of losing its Federal funding. Because an institution cannot provide a victim with the result of a disciplinary hearing involving her assailant, the trauma to the victim becomes dramatically increased.

She then doesn't know whether her assailant has been expelled or suspended from school, or whether any disciplinary action or no disciplinary action at all was taken, in which case she runs the risk of again running into her assailant on the college campus.

Without information about the outcome of the proceeding, it is impossible for the victim to make informed choices about her own future plans and really her own current security.

Several administrators from various campuses have expressed great concern about their inability simply to inform victims of the outcome of administrative proceedings, which involve serious charges of bodily harm to these victims.

In addition, when victims are told that they cannot be informed of the outcome of the disciplinary proceeding involving a particular assailant, some then become discouraged from participating in the process.

Sandy Paganuchi, the student conduct officer of the campus of the University of California at Berkeley, stated that "The Buckley Amendment is extremely frustrating for me and for victims who feel there has been no closure in these cases."

Under the Buckley Amendment, Mr. Paganuchi is not permitted to reveal anything to anyone including the victims about a hearing or about the disposition of the hearing. Each year between two to five sexual assault cases are referred to his office for a formal hearing.

One recent case in California involved a 16-year old victim who was brutally raped, and then thrown by her assailant out of a three-story window causing her to sustain further injuries.

It's crucial, I believe, Mr. Chairman, and members, to amend the Family Educational Rights and Privacy Act in a limited way that will allow victims of such assaults to learn information about the results of the disciplinary hearings involving their own particular case.

Without such an amendment, sexual assault victims will continue to feel victimized by a system that was established, in fact, to protect them, but which is not operating in that fashion. Fewer and fewer victims will come forward to report crimes of violence and their assailants will remain unpunished and undeterred.

As I mentioned, I've been working on this issue in order to develop legislation for a year or so, and I had written to the Department of Education last week seeking their views on the subject, and received a response from them only yesterday. It was a timely response, but I only received it yesterday. As a result of this, I will be incorporating some of their suggestions into a draft bill that I've already had legislative counsel prepare. That bill should be introduced next week.

This bill, as introduced, will address the problem I've outlined by allowing postsecondary institutions to release the results of disciplinary hearings to victims of violent assault.

My legislation will give colleges or universities the leeway to release this information, but will not require them to do so, thus avoiding any possible conflict with state privacy laws.

Mr. Chairman, victims who have already been traumatized by campus rape, sexual assaults or other violent crimes deserve to know the results of the disciplinary proceedings of their assailants.

I look forward to working with you and the members on both sides of the aisle of this subcommittee to develop a legislative solution to this aspect of the broad problem that you are considering today, and again, I want to thank you very much for the opportunity to testify.

Mr. Chairman, just in conclusion, I would like to submit for the record a booklet that was prepared by two of the key people, participants of the Santa Monica Rape Treatment Center: Aileen Adams, their legal counsel; Gail Abarbanel, their chair.

It's a booklet entitled, "Sexual Assault on Campus; What Colleges Can Do," and it spells out very well the issues involved in this very difficult situation including definition of rape and campus rape, incidence and prevalence of rape, disciplinary hearing processes, legal responsibility of colleges in sexual assault cases, and a range of recommendations for better sexual assault policies on campuses.

It includes a number of references on the subject, including the study that I quoted earlier about one out of six students having been assaulted on campus, and I would ask unanimous consent to include this in the hearing record.

Chairman **WILLIAMS**. Without objection. Questions. Mr. Coleman.

Mr. **COLEMAN**. Mel, thank you for your very outstanding testimony. Let me ask you a question. If your bill is introduced and referred to a committee, have you sought an opinion as to whether or not it will come solely to this committee, or would it be judiciary as well as perhaps others.

Mr. **Levine**. It is my understanding that in the way that I have this drafted, it will go solely to this committee. I don't have total assurance on that. I haven't spoken to the parliamentarian, but leg counsel believes it will go to your committee exclusively.

Mr. **Coleman**. Good. Thank you very much.

Chairman **Williams**. Mr. Poshard.

Mr. **Poshard**. Mel, I just want to make sure I understand the intent of your bill. The healing process that needs to take place after these crimes are committed against an individual requires that individual to bring some kind of closure; is that correct?

Mr. **Levine**. That's correct.

Mr. **Poshard**. And that's what is not happening under the current law.

Mr. **Levine**. The combination of closure and information that the victim will need to know in order to make some important judgments about how she conducts her day-to-day activities and provides security for herself on campus.

Mr. **Poshard**. So this is a psychologically sound approach that you are taking with your bill, then, for the healing process to take place?

Mr. **Levine**. I would suggest it's both psychologically sound and physically essential.

Mr. **Poshard**. Thank you.

Mr. **Levine**. Thank you.

Chairman **Williams**. Mr. Goodling.

Mr. **Goodling**. I, too, want to thank you for your testimony. It sounds like something that could be easily amended to the bill that is before us today. I would want to make sure that it wouldn't inadvertently kick in the revealing of names publicly because then it would defeat, I think, probably what you're trying to do and what I'm trying to do.

Mr. **Levine**. Just on that point, Bill, and I appreciate it, it's obviously one of the most sensitive aspects of the balancing act that we're both trying to accomplish here. The way I've drafted the legislation, the victim would be required to keep in confidence the information pertaining to both the assailant and the disposition of the case.

That has been recommended to me and it sounds like a sound recommendation as the way to ensure that the confidentiality will be maintained.

Mr. **Goodling**. Thank you very much.

Chairman **Williams**. Mr. Hayes.

Mr. **Hayes**. Mel, do you have available copies of your statement? I would like to——

Mr. **Levine**. I'm honored that you asked, and I'll be happy to make one available to you.

Mr. **Hayes**. Have you noticed any increase in racial violence on the campus at the university in Santa Monica, too?

Mr. **Levine**. Well, this comes beyond Santa Monica, but I have at least anecdotal evidence in terms of discussions that I've had with campus administrators of substantial concerns with regard to racial violence.

I don't have numbers; I don't have statistical results, but I have certainly heard very disturbing reports, and I believe that the concern that underlies your question about violence stemming from racial crimes clearly plays into the effort to curb violence on campuses from racially motivated incidents or sexually motivated incidents.

Mr. **HAYES**. Is it solely left up to the university to police its own campuses or are local law enforcement authorities involved?

Mr. **LEVINE**. I would assume where the crime violates a statute and doesn't simply violate campus disciplinary proceedings, local authorities would share jurisdiction with campus authorities.

Mr. **HAYES**. Thank you, Mr. Chairman.

Chairman **WILLIAMS**. Thank you. As a point of notice, I believe Mr. Goodling's legislation would amend the Higher Education Act, and although Mr. Levine's legislation is not fully prepared yet, it appears from your testimony, Mel, that you would amend the General Education Provisions Act.

It is not unlikely thus that the bills will, if it is the judgment of this committee to move these two pieces of legislation, they would probably move on separate tracks, even though they affect somewhat the same difficult issue.

We thank you for being before us today.

Mr. **LEVINE**. Thank you, Mr. Chairman, and thank all of you, and good luck with these deliberations. I appreciate you holding them. Thank you.

Chairman **WILLIAMS**. As panel number two, Mr. Atwell, Mr. Caswell, Ms. Siegel, and Mr. Tuttle will join us at the hearing table. We will wait just one moment for the room to clear and new people to enter.

Robert Atwell is the president of the American Council on Education. Mr. Atwell, it is always nice to see you before this committee. Please proceed.

STATEMENTS OF ROBERT H. ATWELL, PRESIDENT, AMERICAN COUNCIL ON EDUCATION; JAMES E. CASWELL, CHAIRMAN, TASK GROUP ON CAMPUS SAFETY AND SECURITY, NATIONAL ASSOCIATION OF STUDENT PERSONNEL ADMINISTRATORS, WASHINGTON, DC; DOROTHY G. SIEGEL, EXECUTIVE DIRECTOR, TOWSON STATE UNIVERSITY, CENTER FOR THE STUDY AND PREVENTION OF CAMPUS VIOLENCE; AND DOUGLAS F. TUTTLE, CHAIRMAN, GOVERNMENT RELATIONS COMMITTEE, INTERNATIONAL ASSOCIATION OF CAMPUS LAW ENFORCEMENT ADMINISTRATORS, HARTFORD, CONNECTICUT

Mr. **ATWELL**. Thank you, Mr. Chairman. I'm pleased to appear before you today on behalf of the American Council on Education, which represents over 1,500 public and private two-year and four-year colleges and universities.

If I may digress for a moment, Mr. Chairman, the proposed legislation that we just heard about would seem to me on first hearing to be a reasonable revision to the Buckley amendment, and I simply wanted to anticipate a question and say that.

For purposes of this hearing, Mr. Chairman, I will also draw on my experiences as a former college president, and as the father of several former and current college students. I do have a statement, which I would, with your permission, like to have included in the record of these proceedings, and then I would like to make four very brief points.

First, concerning what the American Council on Education is doing and has done in respect to campus crime; secondly, what colleges and universities are doing; thirdly, the limitations of what colleges and universities can and should do; and finally, a few comments and concerns with respect to H.R. 3344.

Turning then to the first point, being concerned with the perceived increase of crime on campus, the ACE issued in 1985 a resource document on achieving reasonable campus security, setting forth some suggested practices which campuses were urged to follow.

In 1988, we reissued that statement under a letter from me calling attention to recent developments. We also published in 1988 a book by Michael Clay Smith on coping with crime on campus.

Mr. Smith is a practicing attorney now with the Department of Criminal Justice of the University of Southern Mississippi.

Because of the frequent connection between substance abuse and crime, we also issued in 1988 another resource document, this one dealing with alcohol and other substance abuse. I'd be pleased to make copies of these documents available, Mr. Chairman.

For this past year, we have been involved with the Carnegie Foundation for the Advancement of Teaching in a joint project on the quality of campus life.

The full report and recommendations of that project will be issued in a few weeks. In one of the findings of that report leads me to my second point, that is that a survey we conducted revealed that while two-thirds of responding chief student personnel administrators reported no increase in campus crime in the last five years, over half of the respondents said that they are taking a stronger role in regulating student conduct and are more systematic about enforcement activities and awareness programs.

A small but even more recent survey we undertook revealed that in virtually all cases, the colleges and universities were making major improvements in security forces and procedures and facilities and programs to enhance student awareness.

The message, it seems to me, is clear, that colleges and universities are deeply concerned, have been concerned, and are acting accordingly in both preventive and remedial ways.

My third point is more subjective, and grows out of my experience as a president and a father of students. We can and we must devote increased resources, vigilance, and creativity to improving the safety of our campuses.

But I must also say that there are some limits to what we can do. Those limits pertain in the first instance to the rather obvious point, that while we regard students as the adults most of them lawfully are, we also know that many of them are post-adolescents who often behave foolishly and show a disregard for the rights of others or for their own safety.

When on a campus, I recall the way students would prop open secured doors with pizza boxes and rocks, leave their rooms unlocked, and otherwise defeat systems for their own protection. We are also limited in what we can do by the fact that we cannot expect our colleges to be armed fortresses or military bases, where the freedom of movement is curtailed in a way that damages those features of campus life we consider essential to an academic institution. Thus, we have to strike a balance between protection and freedom. That balance is always delicate and rarely comfortable.

I must also say that the most successful examples of enhanced security in my own experience were not those imposed by the administration, but those which arose from student initiative.

A night escort system for women students, initiated by male students, did more to calm my campus following a rape than anything we did and we did a lot. That goes to the question of community or the absence of, or decline in the sense of, community on many campuses.

This is central to many of the issues facing you in this hearing; indeed, central to many of society's problems. Campuses are, after all, mirrors of society.

For example, when one looks at the very large problem of date or acquaintance rape, I must observe that parents and teachers all share the duty to instill in boys and young men a sense of their responsibility for the consequences of their own sexuality, including respect for, rather than a propensity to exploit women.

Finally, turning to the specifics of the legislation, I would leave you with several concerns we have, and in respect to which we would like to work with the committee and the staff.

First, we believe that guidance should be provided to ensure that the data called for in the legislation is really going to be comparable.

Further, crime statistics for colleges and universities should be issued in a manner that they can be compared with similar information for the surrounding communities, less campus crime statistics be taken out of context, the context of the community in this instance.

Further, will the Federal law, if it is passed, preempt all state laws or will some institutions be expected to follow two sets of laws? Further, the definition of campus should be quite specific. Does it include the surrounding area?

Finally, what actions would be imposed on students or institutions for failure to report.

Mr. Chairman, we appreciate Mr. Goodling's willingness, indeed the entire committee's willingness, to work closely with us in addressing the concerns of the higher education community.

I thank you very much.

[The prepared statement of Robert H. Atwell follows:]

TESTIMONY TO:

SUBCOMMITTEE ON POSTSECONDARY EDUCATION
COMMITTEE ON EDUCATION AND LABOR
U.S. HOUSE OF REPRESENTATIVES

MARCH 14, 1990

PRESENTED BY:

ROBERT H. ATWELL, PRESIDENT
AMERICAN COUNCIL ON EDUCATION

Mr. Chairman and members of the Subcommittee:

I appear before you today not only as president of the American Council on Education, an association representing over 1,500 colleges and universities, and as a former college president and administrator, but also as the father of seven children who have attended or currently are enrolled in college.

The personal consequences of campus crime have been the subject of many conversations with my children. And I can tell you from experience that this is one of the most difficult things a college president or any other official must deal with -- not the numbers or reports, but the personal side, the anguish and anxiety of crime victims and their families.

There was a time when the college campus was perceived as a sanctuary, a place where teaching, learning, and social interchange took place in an environment that posed minimal danger to physical safety and the security of personal property. Those days are no more. As with society in general, crime on campus has escalated from an infrequent occurrence to a subject of major concern.

The higher education community has been responsive to the changing security needs on campus and to heightened public concern about campus safety. The American Council on Education, along with other higher education associations, has taken the lead in focusing the attention of college and university administrators on the need for improved security. In December 1985, and again in August 1988, we mailed to all colleges and universities, members and nonmembers alike, our self-regulation statement on "Achieving Reasonable Campus Security," which provides a checklist of suggested practices. In addition to various updates on the subject in our semimonthly newsletter, we have published, in conjunction with the Macmillan Publishing Company, a book by Professor Michael Clay Smith entitled Coping With Crime on Campus, which explores both legal issues and security measures in abundant detail.

Because of growing concern over alcohol and drug abuse and their contribution to crime on campus, the ACE Office of Self-Regulation has given this subject special attention. Materials we have developed provide guidance to our constituents regarding creative responses and potential liability for failure to deal with these issues adequately. We feel that these documents provide a substantial reservoir of information from which institutions can draw to determine whether their campus regulations and security structure are adequate. (With the permission of the chair, I would like to submit copies of these documents for the record.)

In addition to offering advice and guidance to our members, ACE also has attempted to identify some of the general trends and patterns in campus crime, and what schools are doing in response.

Over the past year we have been working with the Carnegie Foundation for the Advancement of Teaching, under the leadership of Dr. Ernest Boyer, on a joint study of the quality of campus life. As part of that study, ACE conducted extensive surveys of college and university presidents and, together with the National Association of Student Personnel Administrators, of student life officials to determine the major problems facing their campus communities. The full report and recommendations will not be released for another few weeks, and I will see that the committee receives a copy for the record at that time. But let me preview a few of our findings.

The surveys show that the level of awareness of and concern about campus crime among administrators is exceptionally high. This is evident despite the fact that of the 355 chief student affairs administrators responding to the survey, 65 percent reported either no change or a decline in the number of crimes reported on campus in the last five years. Seventy-nine percent reported no change or a decrease in the severity of crimes on campus in that period. However, at the same time, a majority of respondents indicated that crime has increased in the surrounding community.

The survey also showed that campuses are taking a stronger role in regulating student conduct. Fifty-four percent of the student affairs administrators said they are more explicit now in the regulation of student conduct than five years ago and are more systematic about enforcement.

Recently the ACE Office of Public Affairs surveyed campus security directors at 22 institutions from all sectors of higher education to ascertain the extent of and response to crime on campus. While the limited number of institutions surveyed would not make this group representative of all of higher education, we found that in virtually every case, the colleges and universities were making major improvements to buildings, grounds, and security forces to enhance safety, and were offering an increasing number of educational programs to raise student and staff awareness about security issues.

The trends in campus crime in this small sample were consistent with the larger survey, with only one-third of the schools that had five-year statistics reporting an increase over that period. Michigan State University -- one of the nation's largest institutions -- noted a 40 percent decrease in crime in the last two years. I would be happy to provide you with specific examples of what schools are doing to enhance campus security, but I would note that 18 of these 22 colleges and universities publish their crime statistics and make them available to the public in a variety of ways, from annual reports to press releases to articles in student and faculty publications. Two other campuses make the statistics available upon request but do not publish them.

In the eyes of the law, a university is an institution for the advancement of knowledge and learning. Individuals who meet the required qualifications and who abide by the institution's rules are permitted to attend and are presumed to have sufficient maturity to conduct their own affairs.

Colleges and universities are no longer held liable, under the *in loco parentis* (in the place of the parent) doctrine, for injuries sustained by students unless the college has not fulfilled certain duties imposed by law. Although the U.S. Court of Appeals for the Third Circuit has ruled that a college is no longer considered "an insurer of the safety of its students," some courts have imposed a duty upon institutions to warn students or otherwise protect them from potential criminal activity.

College and university administrators have devoted increased resources, vigilance, and creativity to assuring, to the extent possible, a reasonably safe environment. Individual institutions have responded to the need for greater security by employing a variety of strategies. Perhaps easiest and most visible have been the steps taken in the design, maintenance, and operation of the institution's buildings and grounds, including increasingly sophisticated lock and key systems, increased illumination, and security phone boxes. Security forces have grown in number, with expanded screening, training, and supervision by the institution. Data regarding security incidents are gathered and appropriate administrative responses are formulated. Lastly, many campuses educate and remind students and other members of the college community on a recurrent basis about security risks and procedures.

Colleges that undertake to expand their security systems through such steps are in many instances confronted with the contrary desires of their students to move about the campus unimpeded by safety measures. Security on campus must be balanced continually with the needs of physical access and the reactions of the student body. Indeed, increased education of students is one of the key elements in an institution's safety program. That is why colleges now routinely offer educational and training programs for students and staff on such topics as sexual assault prevention, alcohol and drug abuse prevention, dormitory safety, and theft prevention, as well as providing counselling services, escort services, property identification programs, campus watch programs, and special policing efforts.

First and foremost, we care deeply about the welfare of our students, and we would like to protect them as best we can. You will hear later from college presidents about specific campus programs, but I can assure you that most of our colleges and universities are working very hard to do that right now – spending more and more dollars on increased security measures, sponsoring more and more educational programs, encouraging more positive social activities, and attempting to help students cope with the aftermath when a crime occurs.

Of course, students have a concurrent responsibility to exercise good judgment and pursue reasonable actions as means of providing greater security for themselves and those around them. On campuses, as elsewhere, safety cannot be assured if individuals and groups do not adhere to a common desire to achieve a safe environment. I can remember all too well from my time as a college president how students would prop open otherwise secure dormitory doors with pizza boxes, leave their rooms unlocked, and otherwise fail to observe normal, sensible behavior. Those determined to ignore the rules of safety or to abrogate security systems designed to protect them probably will always find ways to do so. We cannot expect our colleges to be "armed fortresses" where the freedom of students -- almost all of whom are legally adults -- is curtailed in a way that either interferes with their rights as citizens or damages those features of campus life we consider essential to an academic institution. We must strike a proper balance between the protection and security of members of the campus community and the appropriate amount of freedom.

Colleges and universities have some essential qualities -- not easily understood and frequently disquieting to some -- that make for a precarious balance between sometimes conflicting values. To elaborate, we regard students as the adults they lawfully are, capable of making their own decisions and assuming responsibility for their own safety. Yet, I know from painful experience that many are rather naive postadolescents who often behave foolishly and show a disregard for the rights of others or their own safety.

The answer to this paradox is not a return to *in loco parentis* or the conversion of colleges into very secure and highly disciplined military bases. And the answer most definitely is not to delude ourselves or our students into thinking that campuses are sanctuaries impervious to crime or above the law. Rather, the answer lies in striking a very delicate balance between deterrence and security, on the one hand, and the assertion of individual rights and responsibilities on the other. Leaning too heavily on the former does considerable damage, in my judgment, to the very nature of the academic enterprise, and overdoing the latter is irresponsible. The colleges and universities I know best are trying very hard to achieve that balance.

I want to say also that the most successful examples of enhanced campus security of which I am aware are those where the students themselves are involved. A campus rape at the institution over which I presided caused those of us in the administration to respond by improving lighting, initiating a campaign to get people to lock doors, and to undertake a variety of other rather obvious measures. But what really made a difference was the formation by male students of a night escort system for women moving around the campus.

I cite that by way of saying that ultimately what we need is a sense of community, a conviction that we are all in the same lifeboat and all bear a responsibility for each other's health, safety, and well-being. The loss or absence of community is seen by Ernest Boyer and by large numbers of presidents in our recent survey as the root of some of the problems you are examining in this hearing. It is obviously central to many of the issues confronting the larger society. While one can look more easily at the way individuals manifest the absence or loss of community, it is important to understand that the problems will persist until some of the underlying causes are addressed.

That leads me to a related issue with which I am particularly concerned, and that I would like to say more about: date and acquaintance rape.

Date and acquaintance rape increasingly have become a significant part of campus crime. In response to the overall problem, many institutions have adopted official policies condemning rape and other sexual assaults, specifically prohibited sexual assaults in student conduct codes, established procedures to be followed if rape occurs, and implemented educational programs on sexual assault.

But when it comes to date or acquaintance rape, even innovative and persistent educational programs will be of limited effectiveness if others who are part of the equation -- parents, educators, religious leaders, the media -- do not recognize and assume their own responsibilities. This problem is rooted in behaviors and attitudes picked up long before people get to college -- behaviors and attitudes that are then acted out by often immature post-adolescents. For example, parents have a duty to instill in their sons a sense of their responsibility for their own sexuality that includes respect for rather than exploitation of women.

Mr. Chairman, Representative Goodling has proposed legislation that would require all colleges and universities that receive Title IV funding to report crime statistics to the FBI and to make those statistics, as well as information about campus security practices and procedures, available to students, employees, and applicants for enrollment.

We would like to continue to work with Mr. Goodling and his staff, and the members of this Subcommittee, to insure that such legislation indeed will contribute to the prevention of campus crime. As we look at the bill, several questions and concerns come to mind, and we would welcome the opportunity to discuss them with you in more detail. For now, let me list several.

o Although the FBI's Uniform Crime Report is indeed uniform in its result, the actual method each institution chooses for reporting particular crimes does not appear to be uniform, according to the experience of several Pennsylvania college presidents with whom we have spoken. Sufficient guidance should be provided to ensure that the data published is, to the extent possible, comparable.

o Crime statistics for colleges and universities should be issued in such a manner that they can be compared to similar information available for local communities surrounding the campuses. Evidence seems to indicate that campus crimes are significantly fewer than crimes in the surrounding community. Crime figures for college campuses should not be placed out of context.

- It is unclear what stature the crime reporting legislation enacted in Pennsylvania, Tennessee, Louisiana, and Florida will have in the face of the bill being considered. Will the federal law preempt all state laws, or will some institutions be required to follow two sets of procedures?

- What does the definition of "campus" in the bill mean? For example, would an urban campus of commuter students be required to report crimes occurring on the city streets surrounding it? What about a campus-sponsored program in a nearby high school? What about housing owned by the college or university, some of which is occupied by students and the rest by residents of the community?

- What sanctions would be imposed on institutions if they fail to report? Would their students lose financial aid?

We appreciate Mr. Goodling's willingness to work closely with us in developing this legislation, and we look forward to working with him and the members of this Subcommittee in addressing the concerns of the higher education community.

In conclusion, Mr. Chairman, I would note that every institution has the obligation, for moral as well as legal reasons, to develop policies, procedures, and programs that protect students and employees from crime on campus. I will continue to urge higher education administrators to make the reduction of campus crime a high priority, and to address the problem by implementing effective security measures and appropriate educational programs. We certainly owe our students and their families no less.

Chairman **Williams**. Thank you. We'll hear now from James Caswell with the National Association of Student Personnel Administrators. Mr. Caswell is the chairman of the Task Group on Campus Safety and Security. It is nice to see you here today. Please proceed.

Mr. **Caswell**. Thank you. My name is Jim Caswell, and I am vice president for Student Affairs at Southern Methodist University in Dallas, and I am pleased to be here in representing NASPA, the National Association of Student Personnel Administrators, to present testimony on H.R. 3344.

NASPA represents some 5,000 professions in the student affairs business in this country, representing about 1,000 colleges and university campuses.

In my brief remarks today, I want to share our views on current practices, why we support this legislation, describe some of the actions colleges and universities are taking to increase the level of awareness about safety and security issues on the campuses, and make suggestions for how to strengthen the proposed legislation.

Last year NASPA distributed copies of a preliminary report of the Task Group on Campus Safety and Security to our membership and to college and university presidents.

We recommended that institutions of higher education (1) report all criminal activity; (2) analyze that data from crime reports and intervene in problem areas; (3) develop standards of safety and security within the context of each individual campus environment; and (4) promote discussion of these problems and possible solutions or remedies among administrators.

The proposed legislation is one important step toward improving the information about the prevalence of crime on campus. Colleges and universities are concerned about the safety and security of their students and staff.

Consistent with the institutional mission and campus needs, many colleges and universities have upgraded security systems, improved landscaping and lighting, offered shuttle bus and escort services, installed emergency telephone systems, and instituted a wide range of educational programs.

Educational programming efforts are one of the most important steps colleges and universities can take. Examples include general safety and security awareness, self-defense and assault prevention, data rape programs, hazing policies, and alcohol and substance abuse programs.

But, in spite of all these efforts, colleges and universities cannot guarantee individual safety, because, in the final analysis, personal safety is a personal responsibility. Colleges and universities face a difficult challenge in teaching about safety and security.

We believe that a combination of improved crime reporting, educational efforts aimed at safety and security awareness, and a greater sense of individual responsibility will help to address the problem.

The task of developing a greater sense of individual responsibility begins before a student comes to the campus. Hopefully, parents, churches, secondary schools and others are helping to develop the students' awareness.

There is a general myth that the college campus is an enclave separate from the rest of society and, therefore, safer. The other variable is that many of our clientele are late adolescents, an age when many think of themselves as invincible to a wide range of health hazards and risks.

This is further complicated by the fact that the campus population changes every semester with students leaving and new ones arriving. Efforts at improving awareness about campus safety and security are an ongoing activity that is never complete or finished.

NASPA will be pleased to work with Mr. Goodling and others to make revisions in the legislation. We believe that it is important to answer the questions raised by Dr. Atwell. There are some specific suggestions we will enter into the written record, and I have left those with the subcommittee.

We are primarily interested in making the legislation appropriate for all institutions of higher education and would suggest that many of the specific references be deleted from the legislation.

NASPA and its members will continue to provide leadership and focus attention and energy on the issues related to campus safety and security. Our annual conference begins today in New Orleans.

Over 2,200 professionals will participate in meetings and program sessions. There are approximately 12 different sessions on topics specifically related to campus violence and safety and security issues and many more topics related to improving the quality of community life on campus.

In addition, next fall NASPA will sponsor two national teleconferences on enhancing campus community. Campus Responses to Racial Harassment and Intimidation will be broadcast on October 5th, and Effective Approaches to Campus Security will be broadcast on November 15th.

We will continue to assist colleges and universities in their efforts to coordinate institutional responses to promote the safety and well-being of the campus community. By including the modifications suggested, we believe the legislation will not be overburdening.

Thank you for the opportunity to testify on behalf of NASPA.

[The prepared statement of James E. Caswell follows:]

TESTIMONY ON SUBCOMMITTEE ON POSTSECONDARY EDUCATION
COMMITTEE ON EDUCATION AND LABOR
U.S. HOUSE OF REPRESENTATIVES
MARCH 14, 1990

Introduction

My name is Jim Caswell, Vice President for Student Affairs, Southern Methodist University, Dallas, Texas, and I am pleased to present testimony on House Bill # 3344 on behalf of NASPA, the National Association of Student Personnel Administrators. NASPA represents over 5,000 student affairs administrators on over 1,050 college and university campuses.

The issue of campus safety and security has been of concern to NASPA and its members for many years. The association and its members have been involved in a wide range of programs designed to enhance the student's overall educational experience inside and outside of the classroom.

In my brief remarks today, I want to share our views on current practices, why we support the legislation, describe some of the actions colleges and universities are taking to increase the level of awareness about safety and security issues on the campuses, and make suggestions for how to strengthen the proposed legislation.

NASPA Views

A safe campus environment is characterized as an environment in which students, faculty, and staff are free to conduct their daily affairs without fear of physical, emotional, or psychological harm. A secure campus is one where programs, services, personnel, and other institutional resources are systematically coordinated to promote the safety and well-being of the campus community. Security is a community-wide responsibility that demands the cooperation and support of all the institution's members. This support is best enlisted through enlightened administrative leadership and efforts aimed at developing the values of citizenship among all members of the campus community. The soon to be released report **Campus Climate: In Search of Community**, prepared by the Carnegie Foundation for the Advancement of Teaching, outlines some steps for colleges and universities to consider.

Last year NASPA distributed copies of a Preliminary Report of the Task Group on Campus Safety and Security to our members and to college and university presidents. We recommend that institutions of higher education:

1. Report all criminal activity.
2. Analyze the data from crime reports and intervene in problem areas.
3. Develop standards of safety and security within the context of each individual campus environment.
4. Promote discussion of problems and possible solutions or remedies among administrators.

This proposed legislation is one important step toward improving the information about the prevalence of campus crime. However, information in and of itself will not make our campuses safer. It requires the cooperation and participation of both individuals - including students, faculty, staff members, and guests and the institution - the college or university. Colleges and universities can and should increase the level of safety and security awareness among its students, faculty, and staff.

Campus Practices

Colleges and universities are concerned about the safety and security of their students and staff. Consistent with the institutional mission and campus needs, many colleges and universities have upgraded security systems, improved landscaping and lighting, offered shuttle bus and escort services, installed emergency telephone systems, and instituted a range of educational programs. Educational programming efforts are one of the most important steps colleges and universities can take. Examples include general safety and security awareness, self defense and assault prevention, date rape programs, hazing policies, and alcohol and substance abuse programs. But, in spite of all these efforts, colleges and universities cannot guarantee individual safety, because in the final analysis personal safety is a personal responsibility.

Colleges and universities face a difficult challenge in teaching about safety and security. We believe that a combination of improved crime reporting, educational efforts aimed at safety and security awareness, and a grater sense of individual responsibility will help to address the problem. The task of developing a greater sense of individual responsibility begins before a student comes to the campus. Hopefully, parents, churches, secondary schools and others are helping to develop the students' awareness.

There is a general myth that the college campuses are an enclave separate from the rest of society and, therefore, safer. The other variable is that many of our clientele are late adolescents, an age when many think of themselves as invincible to a wide range of health hazards and risks. This is further complicated by the fact that the campus population changes every semester with students leaving and new ones arriving. Efforts at improving awareness about campus safety and security are an ongoing activity that is never complete or finished. Within this context, colleges and universities must also weigh the need to provide an environment and atmosphere that allow for freedom and ease of access for many members of the larger community to benefit from opportunities to visit and in some cases utilize campus facilities and services.

Suggested Modifications in the Legislation

NASPA will be pleased to work with Mr. Goodling and others to make revisions in the legislation. We believe that it is important to answer the questions raised by Dr. Atwell. There are some specific suggestions we will enter into the written record, and I have left those with the Subcommittee. We are primarily interested in making the legislation appropriate for all institutions of higher education and would suggest that many of the specific references be deleted from the legislation.

Conclusion

NASPA and its members will continue to provide leadership and focus attention and energy on the issues related to campus safety and security. Our annual conference begins today in New Orleans. Over 2,200 professionals will participate in meetings and program sessions. There are approximately 12 different sessions on topics specifically related to campus violence and safety and security issues and many more on topics related to improving the quality of community on campuses. In addition, next fall NASPA will sponsor two national teleconferences on enhancing campus community. **Campus Responses to Racial Harassment and Intimidation** will be broadcast on October 5, 1990, and **Effective Approaches to Campus Security** will broadcast on November 15, 1990.

We will continue to assist colleges and universities in their efforts to coordinate institutional resources to promote the safety and well-being of the campus community. By including the modifications suggested, we believe the legislation will not be over-burdening. Thank you for the opportunity to testify on behalf of NASPA.

Proposed Changes

Section 3 (e) (1) DISCLOSURE OF CAMPUS SECURITY POLICY AND CAMPUS CRIME STATISTICS revised wording to ..."shall prepare and publish through appropriate publications disseminated to current students and staff and upon request to any applicant for admission or employment an annual report containing the following information regarding its campus security policies and campus crime statistics":

Rationale: Requiring institutions to provide mailings is expensive and duplicates having the information published in appropriate publications.

Section 3 (e) (1) (A) (iv) Delete this provision.

Rationale: The most effective communication media and methods used should be determined by the college or university. As campus circumstances change the media used to communicate will change.

Section 3 (e) (1) (B) revise wording to ..."policies concerning security, access to campus facilities, and security considerations used in the maintenance of campus facilities."

Rationale: The list are only examples and may or may not apply to all colleges and universities.

Section 3 (e) (1) (C) revise wording to ..."policies concerning security in campus residences and access to campus residences by students and guests." Delete sections (i) - (vi) or revise to state "including for example",

Rationale: The list contains examples which are too prescriptive and may not pertain to all institutions.

Section 3 (e) (1) (E) delete or revise. If all campuses are required to submit the uniform crime report, then making the report available for inspection should be sufficient. It will not be possible for institutions who have not previously submitted the UCR to have data for previous years.

Section 3 (e) (2) Revise. The definition of "campus" is very problematic. Please refer to the questions Mr. Atwell raised in his testimony regarding definition of campus.

Chairman **Williams**. Thank you, Mr. Caswell, and before moving on to the next witness, I'd say to you that the chair would be interested in receiving any compilation of the findings that come out of your conference.

If you would be good enough to share that with us, it would be helpful.

Mr. **Caswell**. I would be happy to do that.

Chairman **Williams**. Thank you. Dorothy Siegel is from Towson State University, north of Baltimore. She is executive director of the Center for the Study and Prevention of Campus Violence.

Thanks for being with us, and please proceed.

Ms. **Siegel**. Thank you. I am also vice president for student services at Towson State University. The Towson State University's Center for the Study and Prevention of Campus Violence began collecting data on the frequency and prevalence of campus crime and violence in the Spring of 1985.

We knew anecdotally from colleagues across the country that more and more time, in fact, a disproportionate amount of time and energy, was being devoted to adjudication and resolution of problems on campuses relating to violence.

From 1985 through 1988 the Center has conducted three annual surveys by Chief Student Affairs Officers, Directors of Residence, and Campus Police. These figures are the three-year means.

What we learned first was that we were able to document the existence of violence on campus. Up until that time, it was really anecdotal. We found that on an average there were three sexual assaults reported in schools throughout the country, an average of eight physical assaults, and there were also violence of other types.

The Center has just completed a study funded by the National Institute of Justice to assess the links among alcohol, other drugs, and campus crime. Almost 2,000 students from across the country responded.

We learned the following: one-third of the respondents reported being victim of at least one crime during their university experience; nearly 10 percent reported having perpetrated such a crime. Students who perpetrated the crimes reported heavier drug usage than those who did not commit such crimes.

Students who have been victims of crimes use drugs and alcohol significantly more than those who have not been victims. The most common crimes were theft and property vandalism. Twenty-six percent of the population reported being such victims; 11 percent reported being victims of physical assault/battery-robbery; and another 7 percent reported being victims of sexual assault.

We all know from common figures and FBI statistics that all crime is underreported, and we so believe that all such crimes have been underreported in our studies.

There is also, as we know, 20 percent of the crimes, as we've mentioned, comes from intruders from outside. Over 80–85 percent of all campus crime, according to our surveys, is student-to-student. Well over half are reported to be related to alcohol and drug usage.

We have found no significant difference in the amounts of campus crime on campuses that are urban, suburban, or rural. The printed information that colleges need to provide must not imply that a campus can be rendered safe, magically, by the institution's good intentions, rules, or policies alone.

Although a reasonable security policy may be in place, it is the students who will have to make their community safe. Colleges need to provide information as described in the bill. They also must educate about prevention, intervention; they must stimulate an atmosphere of shared responsibility for community welfare.

No community of adults can be safe without active involvement. Because the majority of crime and violence is intra-campus violence, student-to-student, we cannot address the issue sufficiently with even the best security systems if it is the students, whom we protect and must protect against, who choose not to use it.

Colleges, indeed, need to lead the Nation in addressing the Nation's problem of crime in its communities. I would like to make one additional comment, and that is, I'd like to offer my support for Congressman Levine's intended legislation to serve victims of violence.

[The prepared statement of Dorothy G. Siegel follows:]

Testimony of

Dorothy G. Siegel
Towson State University
Center for the Study and Prevention of Campus Violence

before the

Subcommittee on Postsecondary Education

House Committee on Education and Labor

on the

Crime Awareness and Campus Security Act of 1989

March 14, 1990

Towson State University's Center for the Study and Prevention of Campus Violence began collecting data on the frequency and prevalence of campus crime and violence in Spring, 1985. We knew anecdotally from colleagues across the country that more and more time -- in fact a disproportionate amount of time and energy -- was being devoted to adjudication and resolution of problems on campuses relating to violence.

From 1985 through 1988 the Center has conducted three annual surveys by Chief Student Affairs Officers, Directors of Residence, and Campus Police. These figures are the 3-year means. Responding institutions report the following numbers:

average of 3 sexual assaults reported each school year.
Respondents believe this figure to represent only 30% of those assaults that actually take place:

average of 8 physical assaults reported each school year.
Respondents believe this figure to represent only half of those assaults that actually take place.

The Center has just completed a study, funded by the National Institute of Justice, to assess the links among alcohol, other drugs, and campus crime. Almost 2000 students from across the country responded. The following information was obtained.

Over 36%, roughly 1 in 3, report being the victim of at least one crime during their university experience.

Nearly 10% reported having committed such a crime.

Students who commit these crimes report heavier drug usage than those who have not committed a crime.

Students who have been the victims of campus crimes report significantly heavier drug and alcohol use than individuals who have not been so victimized. Students who have committed a campus crime, however, report the highest incidence of drug and alcohol use.

The most common crimes reported (in order of frequency) were:

Theft/property vandalism --- 26% of the respondents who have been victimized report this crime.

Physical assault/battery-robbery --- 11% of the respondents who have been victimized report this crime.

Sexual assault, including rape --- 7% of the respondents who have been victimized report this crime.

-Over all, 80-85% of all campus crime and violence, according to our survey, is student-to-student crime.
-Well over half (roughly 60%, but estimates vary up to 95%) of all campus crime and violence is alcohol-related.
-Respondents indicated that, proportionally, there was no significant difference in the amount of campus violence/crime, be the campus, urban, suburban, or rural. (We have not separated out those urban institutions with dormitories versus those without.)

Our NIJ-funded, Victimization Study generated data that make it possible to construct an at-risk profile for students with respect to their likelihood of being both a perpetrator or victim of campus crime.

Victims are most often: female, white, slightly over 21, work, own a car, use more alcohol more frequently than other students.

Perpetrators tend to be:

Male, white, slightly younger than 19, residents on campus, members of fraternities, members of athletic teams, use more alcohol more frequently than other students.

More than anything else in our studies 3 statistics stand out: (1) the relatively small percentage reported of what is believed to be the actual number of violent crimes committed, and (2) the preponderance of alcohol and other drugs in both the Commission of Violent Crimes on Campuses and, the Victimization by Violence, and finally and perhaps most significantly is the overwhelming percentage of crime and violence that is student-to-student engendered.

We conclude that there is a danger to assuming colleges can employ any security yet devised that will successfully function in a community of adults when those adults do not want or, at any rate, willfully undermine that system.

The printed information that colleges provide must not imply that a campus can be rendered safe, magically, by the institution's good intentions, rules, or policies alone. Although a reasonable security policy may be in place, it is students themselves who will make their communities safe. Colleges need to provide information as described in the bill. They also must educate about prevention, intervention; they must stimulate an atmosphere of shared responsibility for community welfare. No community of adults can be safe without active involvement.

Because the majority of crime and violence is intra campus violence -- student to student -- we will not address the issue with even the best security system if it is the students, whom we protect and must protect against, who choose not to use it.

We deal, after all, with a population that we both love and fear. Students, remember, are the ones who animate, perhaps our most frustrating dichotomy: they are most often their own enemies. Our surveys tell us: 80-85% of the crime and violence is student-to-student. And yet, these same students also say that more lights, outside, will eliminate campus violence. Neither students, nor administrators, nor legislators are addressing what might be the central issue: how do we begin to stop students from victimizing each other?

Chairman Williams. Thank you. Our final witness on this panel is Mr. Douglas Tuttle, Chairman of Government Relations Committee with the International Association of Campus Law Enforcement Administrators in, I believe, Connecticut.

I look forward to hearing your testimony.

Mr. Tuttle. Good morning, Mr. Chairman. My name is Douglas Tuttle. I am the director of Public Safety for the University of Delaware. I also chair the Government Relations Committee for IACLEA, as you noted, the International Association of Campus Law Enforcement Administrators.

I am pleased to have this opportunity to present the views of IACLEA concerning H.R. 3344. I recently spoke on campus security at the National Conference on Law and Higher Education, sponsored by the Stetson University College of Law.

I've brought copies of my remarks concerning a checklist for the audit of campus security programs for background information, and would be pleased to submit those for the record at the conclusion of my testimony.

The public reporting of crimes and campus crimes statistics is only one component of an effective campus crime prevention program. No institution can ensure that the members of its community will be absolutely free from harm at the hands of some third party.

What colleges and universities should do is ensure that their campus security programs provide the members of their communities with the information and resources necessary to reasonably safeguard themselves against personal harm and property loss.

The concept of reasonable campus security was presented, and is a resource document released by the American Council on Education in 1985. Any assessment of a campus security program must be grounded in a comparison with some sort of a yardstick, and IACLEA supports the concepts in the ACE document as the framework for such a yardstick.

In 1984, IACLEA published a resource document entitled "Departmental Self-Study: A Guide for Campus Law Enforcement Administrators." The publication and distribution of information concerning reported campus crimes is recognized as an integral part of the process of educating members of a campus community regarding strategies for crime prevention.

Does the department submit crime data to the Uniform Crime System is one of the questions raised in the IACLEA self-study guide.

IACLEA supports the concept of H.R. 3344. Indeed, IACLEA has endorsed the participation of campus law enforcement agencies in the UCR system for many years. IACLEA supports the public dissemination of campus crimes statistics as a means of dispelling the myths which persist on both sides of this issue.

College and university campuses are neither "ivory towers" nor havens for criminals. They are reflections of the greater society, and the more accurately the risk of campus crimes portrayed, the more effectively students, faculty and staff will be able to guard against it.

As a means of gathering accurate statistics regarding campus crimes, IACLEA supports the designation of campus security personnel as certified law enforcement officers, with the authority to investigate allegations of criminal conduct and to file charges, as appropriate, with local prosecutors.

Without formal law enforcement authority, the security personnel on many campuses lack the basic tools which are required for adequate crime reporting. It has been stated that only 352 of the Nation's colleges and universities voluntarily provide crime statistics to the Uniform Crime Report.

A more accurate statement would be that we do not know how many colleges and universities report their crime statistics to the UCR, because of the variety of law enforcement authority, if any, of campus security officers.

Three hundred and fifty-two institutions report directly or through a state clearinghouse that an unknown number of others report through their local municipal police agencies. For example, the University of Delaware's crime statistics were reported to the UCR for 1988, as they had been for 16 years, but they were consolidated with the statistics of the city of Newark.

Similarly, in 1988, the UCR contains no entries for the universities of Pittsburgh or Pennsylvania or Temple University. Their statistics were reported through the cities of Pittsburgh and Philadelphia.

In 1988, Delaware state legislation provided for the appointment of university police. The jurisdiction of the university police is defined as the university campuses, and the University of Delaware will appear in Table 7 of the Uniform Crime Report for 1989.

It must be pointed out, however, that those on-campus crimes reported to the university police will not appear in the UCR report for the city of Newark. In order to maintain the integrity of the data in the UCR, one must avoid "double counting" of reported offenses.

I cite the experience of the University of Delaware as an example of the means by which the issue of campus crime awareness can be effectively addressed at the state level, and an illustration of the technical nature of crime reporting.

It is in recognition of these technical requirements that IACLEA requests your consideration of three specific modifications to H.R. 3344.

Section 485(e)(1)(E) enumerates categories of crime to be reported, including "drug abuse" and "alcohol abuse." These are not entirely consistent with the UCR classification system. Furthermore, drug and alcohol offense statistics, along with many other Part II crime reports, are generally indicative of the level of proactive law enforcement activity within a community.

The Part I crimes of murder, rape, robbery, aggravated assault, burglary, larceny, motor vehicle theft and arson are generally brought to the attention of the police by victims, while many of the reports of Part II offenses are officer-initiated.

As it is, the Part I crimes, which are published in the UCR, it is requested that Section 485(e)(1)(E) refer to the reporting of "a minimum of those offenses included in Part I of the most recently published edition of the UCR."

This would establish clear and consistent minimum standards for the reporting of campus crime which would remain up-to-date as enhancements to the UCR program are implemented, but would not preclude any institution from reporting other categories of offenses.

Section 485(e)(2) requires the publication of interim reports on crimes, which are reported to campus security or local law enforcement authorities. Such a reporting requirement is inconsistent with the UCR in which an agency reports only those offenses which occur within its area of jurisdiction. It is requested that the phrase "or local law enforcement authorities" be deleted.

Section 485(e)(4)(b) defines the term "campus" to include "any building or property owned or controlled by student organizations recognized by the institution."

Such a definition would require campus law enforcement agencies to report crime which occurs outside of their jurisdiction, crime which they would lack the authority to respond to, even if it was reported to them directly. It is requested that Section 485(e)(4)(b) be deleted.

In addition to these proposals pertaining to crime categories and jurisdictional authority, IACLEA requests your consideration of the following revision in the interest of economy.

Section 485(e)(1) requires the preparation, publication, and distribution of an annual report containing certain information regarding campus security policies and crime statistics.

The intent of the section would be unchanged if the words "an annual report containing" were deleted. Institutions would still be required to prepare, publish, and distribute the specified information to students, employees, and applicants upon request, but would not be required to create a new document for that purpose.

In the case of Louisiana, state law requires the publication of campus security information in the catalog. Many institutions already publish an annual Guide to Policies or similar document which could easily be revised to meet the requirements of this Act.

Thank you for the opportunity to address the issue of campus security and H.R. 3344 in behalf of IACLEA. I would at this time like to submit a copy of my remarks concerning campus security audits and some background information regarding the security program at the University of Delaware.

Thank you.

[The prepared statement of Douglas F. Tuttle follows:]

Testimony before Subcommittee on Postsecondary Education
Committee on Education and Labor
U. S. House of Representatives
March 14, 1990

by: Douglas F. Tuttle
Director of Public Safety, University of Delaware
and Chairman, Government Relations Committee
International Association of Campus Law Enforcement Administrators

concerning: Campus Security and
H.R. 3344, The Crime Awareness and Campus Security Act

Good morning. It is a pleasure to have this opportunity to address the Subcommittee on the subject of Campus Security and to provide my observations relative to H.R. 3344, the "Crime Awareness and Campus Security Act".

My name is Douglas F. Tuttle. I am the Director of Public Safety for the University of Delaware. I have 18 years of experience in campus security at the University of Delaware, having held the positions of Security Patrolman, Corporal, Investigator, Crime Prevention Officer, Lieutenant, and Associate Director prior to my appointment as Director in 1985. I am a graduate of the University of Delaware, the New Castle County Police Training Academy, the National Crime Prevention Institute of the University of Louisville, and the FBI National Academy. I have consulted in the area of campus security for institutions of higher education, both public and private, in Delaware, the District of Columbia, Maryland and Pennsylvania; and I serve as the elected Chairman of the Association of Campus Law Enforcement Administrators of Delaware, District of Columbia, Maryland and Northern Virginia for 1990.

I also presently chair the Government Relations Committee of IACLEA - the International Association of Campus Law Enforcement Administrators - and I am pleased to be able to present the views of IACLEA concerning the proposed legislation.

I was invited to speak on the topic of Campus Security in January of this year at the 11th annual National Conference on Law and Higher Education which was sponsored by the Stetson University College of Law. A copy of my remarks concerning a checklist for the audit of campus security programs is enclosed as background information. This material has also been submitted for publication in the Campus Law Enforcement Journal. What I have proposed, in essence, is that the public reporting of campus crime statistics is only one component of an effective campus crime prevention program, and it is in its orientation toward crime prevention and community service that a campus security program differs most significantly from traditional public sector policing. No institution (not even a prison) can ensure that the members of its community will be absolutely free from harm at the hands of some third party. What colleges and universities should do is ensure that their campus security programs provide the members of their communities with the information and resources necessary to "reasonably" safeguard themselves against personal harm and property loss.

The concept of "reasonable campus security" was presented in a Self Regulation Resource Document which was released by the American Council on Education in December, 1985. Any assessment of the adequacy of an institution's campus security program must be grounded in a comparison with some sort of "yardstick", and the International Association of Campus Law Enforcement Administrators (IACLEA) supports the concepts set forth in the ACE document as providing the framework for such a "yardstick". In 1984, IACLEA published a resource document for the assessment of campus security programs entitled Departmental Self-Study: A Guide for Campus Law Enforcement Administrators. A review of this guide will demonstrate that it is still quite current today, and that the publication and distribution of information concerning reported campus crimes has long been recognized as an integral part of the process of educating members of a campus community regarding strategies for crime prevention. "Does the department submit crime data to the Uniform Crime Report system?" is but one of 76 questions which are raised in the section which deals with Records Management, Crime Analysis and Evidence Control.

The International Association of Campus Law Enforcement Administrators supports the concept of H.B. 3344. Indeed, IACLEA has endorsed the participation of campus law enforcement agencies in the UCR system for many years. IACLEA supports the public dissemination of campus crime statistics as a means of dispelling the myths which persist on both sides of the issue: the myth that campuses are sanctuaries from the ills of society, and the myth that campuses are engaging in a great crime "cover-up". College and university campuses are neither "ivory towers" nor havens for criminals, they are reflections of the greater society and the more accurately the risk of campus crime is portrayed, the more effectively students, faculty and staff will be able to guard against it.

As a means of gathering accurate statistics regarding campus crime, IACLEA supports the designation of campus security personnel as certified law enforcement officers, with the authority to investigate allegations of criminal conduct and to file charges, as appropriate, with local prosecutors. In the absence of some sort of formal law enforcement authority, the personnel who are presently charged with the responsibility for safety and security on many campuses lack the basic tools which are required for accurate crime reporting. It is in this area of law enforcement authority that, on a national level, it can clearly be said that "diversity reigns". It has been stated that only about 350 of the nation's colleges and universities voluntarily provide crime statistics through the FBI's Uniform Crime Report (UCR). A more accurate statement would be that we do not know how many colleges and universities report their campus crime statistics to the UCR, because of the variety of bases from which the law enforcement authority (if any) of campus security officers is derived.

The origin of campus law enforcement is generally traced to the establishment of the Yale Campus Police Department in 1894, when two New Haven police officers were hired by the university. The officers' power of arrest was derived from their authority as New Haven Police, a designation which they retained in spite of their change of employers. To this day, the law enforcement authority of the Yale University Police is derived from the New Haven Police Department. Similar situations are common today among those private colleges and universities which do have "sworn" security personnel.

Campus officers may be designated as "constables", "special police", "deputy sheriffs" or the like, or they may be legislatively empowered as police officers in their own right (a model which is more predominant among public institutions), but the manner in which they submit statistics to the UCR is largely determined by local custom. About 350 institutions report "directly" (actually through a state clearinghouse in many - but not all - states), but an unknown number of others report through their local municipal police agencies. There is no clear way to generalize about the manner in which a given campus may report. The crime statistics for Yale University (whose officers' police authority is derived from the city of New Haven) appear in Table 7 [Number of Offenses Known to the Police, Universities and Colleges] the UCR for 1988, while those for the University of Delaware do not. The University of Delaware's crime statistics were reported to the UCR for 1988, as they had been for the preceding 16 years, but they were consolidated with the statistics for the city of Newark. Similarly, the 1988 UCR contains no entries for the University of Pittsburgh, the University of Pennsylvania or Temple University - their campus crime statistics were reported through the cities of Pittsburgh and Philadelphia.

In the case of the University of Delaware, this situation is changing. In June of 1988, state legislation was passed which amended the charter of the University of Delaware and provided for the appointment of "University Police". Previously, campus security officers had derived their law enforcement authority from their appointment as "Special Constables" or, since 1980, as "Special Police" for the city of Newark. The jurisdiction of the University Police is now legislatively defined as the "University campuses", and effective with the publication of the UCR for 1989, the University of Delaware will appear in Table 7. It must also be pointed out that those on-campus crimes which have been reported to the University Police will be not appear in the UCR report for the city of Newark. In order to maintain the integrity of the data in the UCR, it is important to avoid "double counting" of reported offenses.

I cite the experience of the University of Delaware for two reasons. It is both a clear example of the means by which the issue of campus crime awareness can be effectively addressed at the state level, and an illustration of the technical nature of crime reporting. It is in recognition of these technical requirements that the International Association of Campus Law Enforcement Administrators requests your consideration of the following three modifications to the language of H.B. 3344:

> Section 485 (e) (1) (E) enumerates several categories of crime statistics to be reported, including "drug abuse" and "alcohol abuse". These crime categories are not entirely consistent with the UCR classification system, in that "abuse" is not, in itself, a criminal offense. Furthermore, drug and alcohol offense statistics (along with driving under the influence and many other "Part II" crime reports) are generally indicative of the level of proactive law enforcement activity within a community. Unlike the "Part 1" crimes of murder, rape, robbery, aggravated assault, burglary, larceny, motor vehicle theft and arson (the UCR "Index" crimes which are published in Crime in the United States) which are generally brought to the attention of the police by victims, many of the reports of "Part II" offenses are officer-initiated. As it is the numbers of "Part I" crimes reported to police agencies which are presently published in the UCR, it is requested that Section 485 (e) (1) (E) refer to the reporting of "a minimum of those offenses included in Part I of the most recently published edition of the Uniform Crime Reports for the United States as printed by the Federal Bureau of Investigation and the United States Department of Justice". Such language would establish clear and consistent minimum standards for the reporting of campus crime - standards which would remain up to date as enhancements to the UCR system are implemented, but which would not preclude an institution from reporting other categories of offenses which may be of particular interest to a given campus community.
>
> Section 485 (e) (2) requires the publication, by institutions of higher education, of interim reports on crimes which are reported to campus security or local law enforcement authorities. Such a reporting requirement is inconsistent with the Uniform Crime

Reporting system, in which an agency reports only those offenses which were reported to have occurred within its area of jurisdiction. It is reasonable to expect that certain crimes which occur in the vicinity of a college or university will be of concern to the members of the campus community and will be reported in both the campus and the local media. It is not reasonable, however, to require an institution to report off-campus crimes which its security officers lack the jurisdictional authority to investigate. It is therefore requested that the phrase "or local law enforcement authorities" be deleted.

Section 485 (e) (4) (B) defines the term 'campus' to include "any building or property owned or controlled by student organizations recognized by the institution". As noted above, such a definition of 'campus', would place an unreasonable burden upon campus law enforcement agencies in that it would require that they report the incidence of crime which occurs outside of their jurisdiction - crime which, in all probability, they would lack the authority to respond to even if it was reported to them directly when it occurred. It is therefore requested that this Section "(4) B" be deleted in its entirety.

In addition to the foregoing proposals pertaining to the specifics of crime categories and jurisdictional authority, IACLEA requests your consideration of the following revision in the interest of economy:

Section 485 (e) (1) requires the preparation, publication, and distribution of an annual report containing certain information regarding campus security policies and crime statistics. It is our belief that the intent of the section will be unchanged if the words "an annual report containing" were deleted. Institutions would still be required to prepare, publish, and distribute the specified information, through appropriate publications and mailings, to all current students and employees and to any applicant for enrollment or employment, upon request, but would not be required to create a new document specifically for that purpose. In the case of Louisiana, state law requires the publication of campus security information in the catalog. Many institutions may already publish on an annual basis a "Guide to Policies" or similar document which could easily be revised to meet the requirements of this Act.

In conclusion, I would like to comment briefly on the campus security program of the University of Delaware. The legislation which established the University of Delaware Police as a distinct law enforcement agency in June of 1988 was not the beginning of a professional campus security program at that institution, but rather the end result of many years of in-house development (a brief chronology of the evolution of the department is enclosed).

Presently, the Police Division of the University of Delaware Department of Public Safety has an authorized strength of 47 sworn officers. These men and women are fully trained and certified in accordance with the Delaware Police Training Act. The University Police work in concert with the 18 officers of the Department of Public Safety's Security Division, and are assisted by approximately thirty Student Aides who function in non-law enforcement roles. An excellent spirit of cooperation exists between the University Police and the Newark, New Castle County, and Delaware State Police Departments. The Crime Prevention Unit of the Department of Public Safety publishes informational literature and conducts numerous safety awareness programs in the residence halls, at the meetings of student organizations, and at conspicuous sites across campus, and distributes monthly Crime Update posters to all residence halls (a photocopy of a typical Crime Update poster is enclosed). Another campus safety awareness measure is the publication of summaries of certain Newark area crimes in the "Police Report" section of every edition by the student newspaper, The Review.

The University of Delaware has implemented a comprehensive residence hall security program which includes the installation of security screens on first floor windows, 24 hour card-lock building access controls, time-delay door alarms to discourage the propping open of building exit doors, telephone systems which permit guests to announce their presence so they may be admitted by the residents, and Public Safety foot patrols in residence hall areas during evening hours. Other programs of a campus-wide nature include a network of more than 200 indoor and outdoor emergency telephones, the allocation of more than $10,000 annually for improvements to exterior lighting, a free campus bus service which operates on a regular schedule until 2:00 a.m. (4:00 a.m. on weekends), and the availability of a Public Safety escort service during those hours of darkness when the buses are not in operation.

Thank you once again for the opportunity to address the issue of campus security and H.R. 3344 on behalf of IACLEA, and to share with you the experience of the University of Delaware and its campus safety and security programs. I would be pleased to respond to any questions which the members of the Subcommittee may have.

The following material was presented as a portion of a program on Campus Security at the National Conference on Law and Higher Education which was sponsored by the Stetson University College of Law in January, 1990, and has been submitted for publication in the May/June 1990 issue of Campus Law Enforcement Journal.

A CHECKLIST FOR THE AUDIT OF CAMPUS SECURITY PROGRAMS

Douglas F. Tuttle
Director of Public Safety
University of Delaware

Crime on America's college and university campuses, particularly violent crime, has been described as one of the best kept secrets of modern times. Largely through the personal efforts of Howard and Constance Clery, whose daughter was murdered in her Lehigh University dormitory room in 1986, the issue of campus crime has been brought to the attention of the national media, several state legislatures, and the United States Congress. With increasing frequency, institutions of higher education are finding themselves cast in the role of defendant in lawsuits alleging that they failed to provide "adequate security" for their students, staff, or visitors.

A college or university which finds it necessary to establish the "adequacy" of its security programs in court, or which desires to take proactive steps to increase the security of its community and thereby reduce the likelihood of litigation, is faced with a major hurdle. How does one assess the adequacy of campus security programs? It seems that campus security has become a realm within which there is currently more "pop" advice than scholarly literature. Articles which discuss the problems and purport to offer solutions are appearing with regularity in USA Today, Good Housekeeping, Glamor Magazine, and Readers' Digest, while experts and crime victims appear on nationally televised talk shows to discuss their experiences and the great campus crime "cover up". Laws modeled on Pennsylvania's Act 73 (The College and University Security Information Act) have been adopted in Florida, Tennessee, and Louisiana, and are under consideration in at least a dozen other states. Federal "campus security and crime awareness" bills (HR 3344 and S 1925) were introduced in the United States Congress in the fall of 1989. The general thrust of all of these pieces of legislation is that parents, students (and prospective students) and institutional staff have a "right to know" about campus crime statistics and the policies regarding safety and security which are in effect at a given college or university. As such, the legislative "solution" to campus crime has been essentially descriptive in nature.

Measures of the effectiveness of "crime prevention" programs, perhaps more so than any other area of law enforcement or security endeavors, are particularly troublesome to construct. In essence, one is attempting to measure the absence of something (crime), and correlate the lack of that undesirable event with the efforts devoted to certain programs. Unfortunately, the measurement of crime is an activity which depends upon voluntary reporting. A crime prevention program which is effective in raising the awareness of a campus community of the need to report crime, is likely to generate an increase in crime statistics. The assumption on the part of the crime prevention officer is that an informed and aware community is a safer community - but what college or university administrator wants to deal with the negative publicity of "rising crime rates"? Has the headline of any campus newspaper ever proclaimed "Crime Reporting Up 25% - University Tops State in Campus Safety Awareness"?

What is needed, if campus safety and security programs are truly to be enhanced, is a prescriptive approach to the issue. The first comprehensive effort in this vein by an organization of institutions of higher education was the 1984 report of the Community Security Standards Committee of the Association of Independent Colleges and Universities in Massachusetts. Derived from a survey of then-current security practices among AICUM members, the report set forth 35 "standards" which expressed what an institution should be doing in order to make its campus "reasonably secure". The AICUM report also served as the basis for the statement of "Guidelines for Achieving Reasonable Campus Security" which was issued by the American Council on Education in 1985. At its November, 1989, meeting in Washington, D.C., the Student Affairs Council of the National Association of State Universities and Land Grant Colleges also addressed the issue of campus security. In a statement listing seven steps which should be taken by college and university officials who wish to move toward the goal of a safe and secure campus environment, the Council recommended for adoption by the NASULGC Senate a framework which constitutes the latest step in this prescriptive approach.

The AICUM, ACE and proposed NASULGC statements of campus security standards and guidelines are uniformly grounded in the concept of "reasonableness". No college or university campus is a sanctuary from the ills of society, and no institution (not even a prison) can ensure that the members of its community will be absolutely free from harm at the hands of some third party. What colleges and universities should do, is ensure that their campus security programs provide the members of their communities with the information and resources necessary to "reasonably" safeguard themselves against personal harm and property loss. But what is a "reasonable" approach to campus security, and how can an institution defend against claims which allege that its security program is inadequate? One answer is to conduct a formal Campus

Security Audit before the institution is faced with litigation arising from a tragic criminal incident.

The following is intended to serve as a "checklist" for structuring the audit of an institution's campus security programs. Just as no two campuses are identical, no two security audits will proceed along exactly the same paths. Several of the items listed call for decisions which must be made by key administrators prior to the initiation of the actual audit procedure. A campus security audit is, in itself, simply a descriptive process. In order for it to be truly effective in enhancing personal safety and reducing institutional liability, the audit must become the basis for a plan of action, and that plan must be one which is acceptable to the community of the particular campus if it is to receive appropriate philosophical and fiscal support. Few things can be as damning as an audit report which identifies areas where the security programs of a campus could be improved, but which has simply been placed upon the shelf and ignored.

The Campus Security Audit

A. Establish administrative responsibility.

No matter who actually conducts the audit, the final report should be made to a senior administrator who will be reasonably able to effect (or endorse) any recommendations which require changes in policies and procedures or increases in funding. Depending upon the administrative structure of a given campus, and because the responsibility for all of the programs which impact on campus security is rarely confined to a single unit, it may be advisable to designate a pair of senior administrators.

B. Determine the format of the audit.

1. In-house review.

It may be determined that sufficient talent exists in-house to assess the adequacy the campus security programs. This approach assumes that those involved will be able to effectively "step back" from their daily roles and responsibilities and fairly evaluate ongoing programs. It is most successful if the audit team includes several members who are relatively new to the campus, having come from a variety of other institutions, and the existing campus security programs have achieved a fairly high level of sophistication.

2. Outside consultant.

It is essential that the security consultant(s) possess not only relevant and current technical expertise in the area of campus security, but the interpersonal skills which will facilitate a positive interaction with faculty, staff, students and administrators. The consultant selection process should include a clear determination of the standards or "yardstick" against which the consultant(s) will measure campus security programs.

3. **Accreditation model.**

A blend of the other formats, in which one or more colleagues from other institutions (generally from other states) validate the results of an exhaustive in-house review and offer further recommendations. As in the totally in-house format, a reasonable level of sophistication is required in existing programs.

C. **Determine the "yardstick" to be employed.**

1. The Massachusetts "Community Security Standards"
2. The ACE "Self Regulation Guidelines" for achieving reasonable campus security.
3. The proposed NASULGC "seven steps" toward a safe and secure campus.
4. The Standards for Law Enforcement Agencies. (published by the Commission on Accreditation for Law Enforcement Agencies, Inc. - applicable to any campus with sworn law enforcement personnel)
5. A combination of the above, or another (as yet unpublished) set of "standards" which may be adopted by a recognized organization of educational institutions.

D. **Define the scope of the audit.**

Determine what functional and procedural areas are to be included in the review. In the narrowest sense, an audit could be confined almost exclusively to the campus security department. A truly useful audit should be more broadly based, with consideration given to including the following units, issues, and policies:

1. Security/Public Safety/Campus Police - including the jurisdictional and reporting relationship of that office with the local police department.
2. Residential Life/On Campus Housing
3. Physical Plant/Grounds Maintenance

4. Student Affairs/Dean of Students - including the campus "judicial" or disciplinary system and the student "code of conduct"
5. Parking Services
6. Transit and/or Escort Services
7. Facility Construction/Renovation Design
8. Greek Housing (on and/or off campus)
9. Dining Services
10. Academic Scheduling Office
11. Admissions Office - including new & transfer student orientation
12. Library
13. Victim Support Services
14. Public Information/Media Relations Office
15. Athletic Department
16. Special Events/Conference Center
17. Risk Management/Insurance Office
18. Telecommunications
19. Personnel Office
20. Student Medical/Psychiatric Services
21. Lockshop
22. Occupational Health and Safety
23. Bookstore/On Campus Retail Establishments
24. Campus Bank/Credit Union
25. Hospital
26. Computing Center
27. Animal Research Facilities
28. On Campus Preschool/Day Care Facilities

29. Campus Lighting

30. Campus Alcohol Policy

Depending upon the size and organizational structure of a given institution, several of the areas listed above may be consolidated into common administrative units or certain areas may not be relevant. Although this list is intended to facilitate a comprehensive campus security audit, it should not be construed as ruling out the consideration of other areas which may be of concern to a particular college or university.

E. **Establish the Audit Timetable and Budget.**

Once the scope of the audit has been defined, a timetable should be established which will be achievable, but as short as possible. The personnel assigned to the audit team will be taking time away from their other responsibilities, and their enthusiasm will wane if the project loses momentum. The audit budget should provide for adequate clerical support, purchase and duplication of materials, and the fees and expenses associated with the services of any professional consults or peer reviewers.

F. **Select the Audit Team.**

No matter what audit format is selected, it will be necessary to assemble a team of in-house personnel to conduct a "self-study" of the institution's existing campus security programs. It would be time and cost prohibitive to expect outside consultants or peer reviewers to ferret out all of the details of security programs which should be reasonably well known (even if not adequately documented) by in-house staff. In the Consultant and Accreditation models, the team would generally consist entirely of personnel assigned to the operational units predominantly involved in carrying out campus security programs. An In-house Review will require a larger audit team which is drawn from a broader spectrum of the campus community. Depending upon the size and complexity of the institution and the scope of the audit, consideration should be given to including the following individuals (or their representatives) and constituencies on the audit team:

1. Director of Security/Public Safety/Campus Police

2. University Counsel

3. Director of Housing/Residential Life

4. Dean of Students

5. Director of Physical Plant
6. Treasurer/Business Manager
7. Director of Women's Affairs
8. Two representatives of the Faculty
9. A representative Professional Staff Member
10. A representative Salaried/Hourly Staff Member
11. A representative Undergraduate Resident Student
12. A representative Undergraduate Commuting Student
13. A representative Graduate Student
14. A representative of the Parents' Association

G. **Train the Audit Team.**

In the Consultant model, the audit team will be doing "field work" for the consultant, so it is important for the consultant to provide the project orientation and guidance necessary to avoid wasted effort and ensure that the appropriate data is gathered. In the Accreditation model and to an even greater extent in the case of an In-house Review, the members of the audit team must become thoroughly familiar with the standards or guidelines by which the security programs of the campus will be measured prior to their involvement in the actual self-study.

H. **Complete a Self-Study of the Campus Security Programs**

The Self-Study is the key to a worthwhile security audit. It documents the existing programs and provides the basis for an evaluation of those programs according to the criteria of the selected body of standards or guidelines, thus establishing affirmatively their "reasonableness". Of course, the Self-Study is a two- edged sword. It may well document an existing program which does not perform as intended, or is judged to fall short of the applicable standard by the preparer of the audit report. Such discoveries must not be glossed over. Indeed, if at all practical, they should be addressed prior to the completion of the security audit. An audit report which documents the fact that shortcomings which were identified are already being addressed is another powerful tool which can be used to defend the "reasonableness" of an institution's campus security programs. An invaluable resource for any audit team is a 1984 publication of the International Association of Campus Law Enforcement

Administrators entitled Departmental Self-Study: A Guide for Campus Law Enforcement Administrators. This 105 page manual, which was prepared by Max Bromley and Dr. Leonard Territo of the University of South Florida, is still in print and available for purchase from IACLEA.

I. Prepare and Submit the Campus Security Audit Report.

If the Consultant model has been selected, it is essential that communication continue during this phase. The consultant should be updated on any changes in programs which have been implemented as a result of the self-study so that they can be accurately reflected in the report. In the case of an in-house review, the audit report will most practically take the form of an edited version of the self-study document, followed by specific recommendations.

J. Post Audit Responsibilities:

1. Develop and implement action plans to address the recommendations contained in the audit report.
2. Identify funding needs, available resources, and any needed changes in legislation, policies or procedures.
3. Establish a monitoring procedure which will keep the security audit report "up to date" without having to repeat the entire process. Consider the establishment of a standing committee on personal safety, to include members of the audit team, which is charged with submitting an annual report on the "state of campus security".

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Chronology of Campus Security Program Development
University of Delaware - Newark, Delaware

pre-1970	Security Officers are commissioned as Special Constables of the state, with authority to arrest "on and about" the campus but no formal training
1970	First professional Security Director hired
1971	Student Security Aide program initiated (students are hired to perform non-enforcement support functions) - extensive in-service training is conducted for all Security Officers and their supervisors - campus shuttle bus service begins, provided by local school bus contractor
1972	Recruitment of young college-educated officers initiated - first campus Security Officer attends the Delaware State Police Training Academy - evening "dorm security" foot patrol shift initiated - incident reports documenting campus crimes are forwarded to the Newark Police Department for inclusion in city's Uniform Crime Report (UCR) statistics - push button "combination" locks are installed on exterior residence hall doors - first applications of exit door alarms (on women's dorms, at night only)
1973	First "Blue Light" outdoor emergency telephones installed on the campus - first campus officers enrolled in New Castle County Police Training Academy - position of Security Investigator created (requiring a college degree plus law enforcement or security experience) - first Security Officer assigned to the College of Marine Studies' campus in Lewes, Delaware
1974	Night "escort van" service initiated
1975	Crime Prevention Unit established - first edition of monthly Crime Update published and distributed to all campus residence halls
1976	First experiment in residence hall card-access systems using "Proximity Detection Inc." technology
1977	First officer graduates from the National Crime Prevention Institute at the University of Louisville
1978	PDI card-access system installed on 6-building West Campus residence hall complex - program to install "security screens" on windows of first floor residence hall rooms is initiated on East Campus - night escort van replaced with 18-passenger mini-bus

U. of Delaware Security Chronology (cont.)

1979	Experimental program initiated whereby selected Security Investigators are sworn in as "special officers" of the Newark Police Department and work with Newark Police detectives to investigate campus crimes -University-owned shuttle bus service initiated
1980	All academy-trained Security Officers are sworn in as Newark Police "special officers"
1981	Security Department reorganized as the Department of Public Safety - the Delaware Police Training Act is amended to require academy training of all University officers in the "police division" of the department
1982	Night escort mini-bus replaced with full-sized bus
1983	Officers in the University's "police division" are specifically included in Delaware's "Police Officers' Bill of Rights" legislation
1984	First University of Delaware officer graduates from the FBI National Academy - recurring annual budget of $10,000 for "exterior lighting improvements" authorized
1985	Director of Public Safety is admitted to membership in the Delaware Police Chiefs' Council
1986	Full time position of Training Manager created to coordinate orientation, in-service, academy and specialized training of all Public Safety staff
1987	Jurisdictional agreement with Newark Police expands investigatory authority of University officers
1988	Delaware Legislature amends University Charter, granting authority to appoint "University Police" with full law enforcement authority on the campus - direct access to the FBI's National Crime Information Center (NCIC) is gained via a Delaware Justice Information System (DELJIS) terminal - all residence halls are equipped with card-access and "Enterphone" systems, propped door alarms, and window security screens, and are locked 24 hours a day
1989	Crime statistics submitted for publication in the FBI's Uniform Crime Report distinguish the University of Delaware from the city of Newark for the first time - escort service expanded to cover Newark AMTRAK station
1990	Additional late night bus is scheduled to meet increased campus area ridership demand on weekends

UNIVERSITY OF DELAWARE CRIME UPDATE

ISSUED BY THE UNIVERSITY OF DELAWARE PUBLIC SAFETY DEPARTMENT • 451-2222

CRIMES REPORTED IN THE RESIDENCE HALLS
MONTH OF APRIL 1989

LOCATION	Aggravated Assault	Simple Assault	Burglary	Theft	Bike Theft	Robbery	False Fire Alarm	Disorderly Conduct	Criminal Mischief	Alcohol Violations	Peeping Tom	Indecent Exposure	Obscene Communications	Sexual Assault	Rape	Trespassing	Miscellaneous	TOTAL	RESIDENCE HALL AREA CRIME INDEX
RODNEY	0	0	2	3	0	0	0	1	2	2	0	0	0	0	0	1	1	12	1.5
DICKINSON	0	0	0	2	0	0	0	0	1	0	0	0	0	0	0	1	2	6	.7
NORTH CENTER CAMPUS	0	0	0	0	0	0	0	0	2	0	0	0	0	0	0	0	3	5	1.0
SOUTH CENTER CAMPUS	0	0	0	1	0	0	0	0	0	1	0	0	0	0	0	0	2	4	.5
GILBERT	0	0	0	0	0	0	0	1	2	1	0	0	0	0	0	0	2	6	.8
HARRINGTON	0	0	0	1	0	0	0	0	0	1	0	0	0	0	0	0	1	3	.4
RUSSELL	0	0	0	1	0	0	0	0	3	1	0	0	0	0	0	0	1	6	.9
LANE & THOMPSON	0	0	1	2	1	0	0	0	1	0	0	0	0	0	0	0	1	6	1.9
PENCADER	0	4	0	1	0	0	0	0	0	2	0	0	0	0	0	2	5	14	1.8
CHRISTIANA	0	1	0	0	0	0	1	0	2	1	0	0	1	0	0	2	2	10	.7
SPECIAL HOUSING	0	0	0	0	1	0	0	1	0	0	0	0	0	0	0	0	1	3	1.3
TOTALS	0	5	3	11	2	0	1	3	13	9	0	0	1	0	0	6	21	75	1.0

CRIME TIP: WARM WEATHER IS HERE. STUDENTS ARE REMINDED TO CLOSE AND LOCK WINDOWS AND DOORS BEFORE LEAVING THEIR ROOMS UNATTENDED. HELP PREVENT A CRIME FROM OCCURRING BY REMOVING THE OPPORTUNITY FOR ONE TO BE COMMITTED.

Chairman WILLIAMS. Thank you. Mr. Atwell, paraphrasing part of what you said in your testimony, which was that colleges and universities can and must devote increased resources to the safety and security of students on the campuses, are you supportive of a Federal role in encouraging or assisting our units of higher education to accomplish that, or do you believe they can do it without, and will do it without, either Federal insistence or assistance?

Mr. ATWELL. I think both of the above, Mr. Chairman. I believe that colleges and universities are doing a great deal in the absence of Federal legislation. If the kinds of concerns that we have expressed in respect to H.R. 3344 could be satisfactory resolved, I think there could be a constructive Federal role as well.

Chairman WILLIAMS. Ms. Siegel, what was the methodology of your study? Yours is the only national study that I, at least, am aware of. There may be others. Two questions: first, are you aware of any other studies about campus crime; and second, what's the methodology generally of your study?

Ms. SIEGEL. There have been some studies—as a matter of fact, some that attempted to validate what we were doing, that had been done by some of the media. I know that USA Today, I think, did its own, and one of the other magazines.

I'm sorry, your second question?

Chairman WILLIAMS. What was your methodology?

Ms. SIEGEL. Our methodology was to take the listings. As a matter of fact, we work cooperatively with NASPA—we're a member organization—and we sent out our surveys to 1,100 institutions.

We received back each year between 350 and 400 responses. We sent three to each institutions: one to the student affairs person, one to the chief of police, and the other to the residence director.

We found that within an institution, there are different perceptions of how much crime and how much violence occurs.

Chairman WILLIAMS. What percentage of return do you get?

Ms. SIEGEL. We had approximately 45 percent—between 35 and 40 percent.

Chairman WILLIAMS. Was that fairly well divided between the urban and non-urban?

Ms. SIEGEL. Yes. It was a fairly random response. Our second study, we used a study of college students, a nationwide sample of 6,000 college students, a random sample provided by one of the agencies from which you can purchase it.

We sent out 6,000 of those studies looking for victimization and its relationship to alcohol and drug usage. There we received 2,000 responses back, approximately 33 percent, and of that cohort, we found about 150 were not usable. We ended up with a net of about 1,850, of which our statistics on victimization are based, the one-third being victims of some kind of crime.

Chairman WILLIAMS. You've been doing this for three years?

Ms. SIEGEL. We did three annual studies—1986, 1987, and 1988. In 1989, we did the victimization study linking it to alcohol and drugs and documenting essentially what we suspected we would find, and we are going this year going to repeat the National survey.

Chairman **Williams**. I was surprised at your numbers before—explaining what I mean, let me say that one crime in America is one crime too many—one rape, one murder is tragic and is one too many.

I am surprised at the small numbers, of assaults and other terrible crimes on the campuses. For example, you say there was an average of eight physical assaults reported each school year. I assume that is per campus.

Ms. **Siegel**. Yes, and——

Chairman **Williams**. You think that's only half, so there may be 16 per campus per year?

Ms. **Siegel**. The thing is that there is a wide range. Averaging it, unfortunately, doesn't give a good description. We've had a range of zero to as many as 195 assaults on a given campus, and they're not as related to size of campus as we would like to believe.

We found in our original studies that there seems to be better reporting of crime in some of the middle-sized campuses, between 5,000 and 10,000. Over 10,000, they reported less. Well, our conclusion was that there was less known about the amount of violence on very large campuses.

Chairman **Williams**. Finally, one other point you made that stood out with me was this: perpetrators tend to be male, white, slightly younger than 19, residents of the campus, members of fraternities, members of the athletic teams.

That sounds to me like the well-raised, white athlete, the pride of America, that is committing these crimes. Is that what you found?

Ms. **Siegel**. No, I would not want to make that conclusion.

Chairman **Williams**. What would you conclude?

Ms. **Siegel**. First of all, that study is only 1,800. We plan to repeat that study on 10 times its volume. I wouldn't feel comfortable with that as a fair conclusion unless we had a much larger sample than 1,800 respondents, and so, I am concerned about that.

One of the things I think that we know is that the people who go to college, for the most part, do not have criminal histories. In other words, we've taken a very successful population who go to college, and it's during college years that a successful population sustained some degree of violence. That's our concern.

That's almost the contradiction, and it's one of the reasons that people tend to believe that they're entering into a safe place. Part of the reason for our documentation is because people do come in assuming that it will be a very safe place. We wanted to document this, not to just give numbers, but to say that we had to make a valid statement that there was some crime on campus.

One needed to take certain precautions in living in a campus. One of our sister universities in Maryland, UMBC, has a film, a very good video called "A Campus is Not a Sanctuary," for that purpose because you have to suspend the belief that all will be safe. That's the first step in safety.

Actually the intention of this bill is to give full information, and it is hard to accept, and so it needs to be repeated on a regular basis.

Chairman **Williams**. Finally, let me make a, if I may, a personal observation. It's always seem to me that if you brought someone to the United States who had never been here before—let's say you brought a martian down here, let him wander around the United States for about a week, and then you said to him, "Tell me what this country we put you in does. What are the main things it does from walking the streets and looking at the newspapers and watching television?"

I've always thought that that martian might say, "Well, America does two things. It spends great time and effort, and apparently money, putting up detour signs while it repairs its public facilities, and it spends great time effort fighting crime, particularly its politicians, who apparently ever since Al Capone have learned that if you want to get three or four cameras at a hearing, you don't have a hearing on Pell Grants or guaranteed student loans; you have one on crime.

At least the bridges are going up, though, and the subway systems are coming in. The crime is not going down. After 50 years, the politicians fighting crime, presidents have Rose Garden ceremonies of great crime fighters in public life, crime still goes up.

Whatever we've done and have been doing, we're doing it wrong, it seems to me.

Mr. Coleman.

Mr. **Coleman**. Bob Atwell, I'm not sure this is your area of expertise, but I'm going to ask you the question. You can tell me if you don't know, but my sense is that originally there was an area of denial by campuses that we really don't have a problem, and we're really not going to deal with this.

I think now it's out there. I think it's being dealt with. I was shocked, surprised, when my daughter received last summer before she went to school pamphlets from the univrsity which explicitly talked about date rape and all activities associated therein in a pamphlet form, followed up by another pamphlet.

When we arrived on campus to check her in, in our room were several publications by the university. One of them was another extension of that issue. I received in the last two months some publication to parents from the university, and it was devoted surprisingly, one-third of it, to this issue again, which are to parents, not to the students, but it talked about campus activities in a very positive point, and then mentioned this area of campus crime and rape and so forth.

So, I think that some, at least the schools are dealing with it. My question to you is, what generally is the framework of liability that institutions of higher education work in from the civil standpoint?

Are they liable if they don't have certain standards that are met for security? What is your personal knowledge or anecdotal knowledge about that and are public institutions looked at in the law as any different than private institutions because of perhaps toward immunity or other state issues of that nature?

Mr. **Atwell**. Well, Congressman Coleman, I'm reluctant to practice law in the District of Columbia without a license, but let me say that colleges and universities have ended up with some liabilities for things that happen on campus, and a little bit less so for things that happen off campus, but it varies a great deal, and your question ought to be directed to somebody more qualified than I to render some legal answers.

Mr. COLEMAN. All right. Well, I appreciate that direct statement, and I will try to find somebody, and, perhaps, we should have had somebody on a panel here to deal with that.

Mr. Caswell, I wonder with your organization being set up like it is and being so extensive, why you didn't provide us or why your organization hasn't done any studies yourself in providing statistics, which at least this study that Towson has done has done—do you have any?

Have your institutions participated in the surveys or summary results, and would you supply those to us if you have?

Mr. CASWELL. Because the organization is only a two-person office, we try to cooperate with places like Towson State, and, therefore, are partners with those kinds of statistical information. We don't have an organization to do anything.

Mr. COLEMAN. Well, I would urge somebody to take the reins on this thing, and you must have a series of dues or something, or apply to someone for a grant, if you, in fact, seem to be well-positioned for this effort.

We don't have a lot of information still, and even Ms. Siegel is reluctant to make broad generalizations of her studies, as I think is intellectually appropriate for her to do because of its limitation, so I hope somebody will.

Mr. Atwell and his organization might take upon themselves as well.

I thank all of you for being here.

Mr. POSHARD. The chairman was called away on an urgent piece of business. I'll man the chair for a little while here until he gets back. Had you finished, Mr. Coleman; I'm sorry. Thank you.

A couple of questions, if I may. I was struck by the consistency of all of your testimony in regard to the fact that so many of the pragmatic things which we may be able to do as a result of the data which would be compiled by this bill, in the end, may not mean all that much.

Several of you testified that it seems to be an intrinsic problem, somehow or the other, that we are experiencing here, that it goes beyond just being able to do some things.

Are we experiencing a problem here that's more societal, universal? Can we do anything with the data that we may compile from this bill?

Ms. SIEGEL. I think that it is quite helpful for people to be informed. Nobody can make reasonable judgments or prepare to act appropriately without information. What I think this bill does is provide needed information.

That, first of all, it provides information, not only about the counting of the security officers, and mechanisms for safety in the dormitories, but also, it asks for statistics so that one can see that the institution has some history of some problems.

That's a very important thing, and as Mr. Caswell mentioned, students feel invincible. It is very hard to convince them that they be vulnerable, but our duty is to inform them. What I think you heard from all of us, rather consistently and without any joint planning, is that in the end, it will require student active participation to not prop open doors, to recognize themselves as involved members of community.

Safety is a community responsibility, and not something that can be provided by an institution for its members.

Mr. CASWELL. The answer is certainly yes. It seems to me it is a societal issue. Institutions of higher education receive those persons who come from our society, and if we are talking about drugs and alcohol in the elementary age these days, we receive those at age eighteen on traditional campuses, and at a higher rate in other campuses. So, yes, it is a societal issue.

Mr. POSHARD. Ms. Siegel, I'd like to ask you, if I may, the data which you had compiled in your study, 80 some odd percent of the crime on campus, the student-to-student crime, and over 60 percent of that is somehow alcohol-related.

From my own observations of campus life, it seems that today drinking alcohol is almost a right of passage. Why? Are the campuses doing anything to help students learn to be more responsible in their drinking patterns?

I think this has gotten totally out of hand. I think if there is something we can do, we could lessen the effects of campus crime a great deal. Are we doing anything?

Ms. SIEGEL. We have surveyed our own students, and we've also compared our surveys to other surveys on drinking on campus and use of drugs. We find that first-year students are the greatest abusers. As one gets older, we're never quite sure whether we've lost the abusers, or if they have reformed.

All we can say is that there's a higher incidence of drug and alcohol abuse in the first year of school, and it decreases in the upper years. Our assumption is, and our studies indicate that if students come with well-formed habits, there is also some additional new drinking from a small group of people for whom new freedom means drinking and abuse of drinking.

One of our problems is that drinking, despite the change in age in the laws, is looked at by a certain percentage of people as something to do until you're wasted, so that drinking—we're not just talking about the presence of alcohol.

In our last survey on victimization and perpetration, those students who reported being high were close to 60 to 70 percent. Our own findings in our other study showed that about 90 to 95 percent of all violence was associated with drinking, but we're talking about being high in the study on victimization.

Mr. ATWELL. Yes, if I may comment on this. I think if you go back to the 1960s, and to some degree the 1970s, this was an era on campus when illegal substance use, marijuana and things of that kind, were in vogue, and now in the 1980s and 1990s, I think alcohol seems to be the substance of preference.

I think that it poses a lot of very difficult problems for university administrations, particularly with this drinking age law problem to the extent that you attempt to restrict access to alcohol on campus, at campus events or parties, or what not. You chase the problem off campus often where the risks are higher, because they always involve or often involve driving and drinking.

So, very difficult problems have been posed for college and university administrations by the changes in the law, as well as the changes in student habits.

Mr. POSHARD. Mr. Goodling.

Mr. GOODLING. Just a couple of observations and a couple of comments. In listening to the discussion of what can happen, will anything good happen from legislation of this nature in collecting data, et cetera reminded me, as a president of a school board, we had a terrible intersection.

It happened to deposit poor children, at that particular bus stop, and many of the board members felt it wasn't necessary to take them on beyond that terrible intersection and drop them off closer to their homes because five minutes after they're home, they're going to go right up and go across that terrible intersection.

Of course, I had to remind the members of the board that it was not our responsibility after they got home, but it sure was our responsibility until they got home. I think it is our responsibility to make sure that all statistics are available.

No, we can't take those statistics and insist that every student study them carefully and pass an examination, nor even if they did that, can we be sure that they're going to pay much attention to those statistics; many will.

I think the important thing is that you have an awful lot of naive young people coming to a college campus who, as was mentioned several times, believe it is a safe area.

I always told first and second grade teachers, stop lining these kids up and parading them and marching them every place they go because by the time they get to junior high school, we're going to say, how come they don't accept the responsibility of being independent students.

So, I think the statistics are there. They'll know those statistics. Their parents will know those statistics. Employees will know those statistics. They'll also gain knowledge as to certain areas that seem to be worse than other areas, that maybe that's not the place for me to walk or for me to walk alone, which I think is very, very important.

Bob, I did have a little problem squaring something you said with Ms. Siegel's report. You indicated that campus crimes are either decreasing or leveling off, but the community crimes are going up.

On the other hand, in the Towson report, 80 to 85 percent of all the crimes on campus are by people on that campus, and it really has nothing to do with the surrounding community because then I want to ask the second question because some urban presidents were afraid that this would be particularly onerous on them, and yet, your report would indicate, Ms. Siegel, that there really isn't any difference between urban and rural campuses.

So, I have a little trouble squaring all of this. Maybe, Bob, you want to help me?

Mr. ATWELL. Mr. Goodling, I don't think I intended to convey the impression that crime was down. I reported on a survey we did in conjunction with one of the studies to which I referred, the joint project with the Carnegie Foundation, in which two-thirds of the responding chief student personnel officers reported no increase in campus crime in the last five years, but over half said they were doing certain things nonetheless.

I would not take that particular survey as the last word on this situation anyway.

Mr. GOODLING. Mr. Tuttle, you seem to me concerned about Section 485(e), and you think maybe there's some inconsistencies. I don't look at it that way simply because we were told by quite a few people that there is no security force on numerous campuses, and, therefore, the only report would be from the local enforcement people.

Mr. TUTTLE. On numerous campuses, that's correct, and that is one point I made on behalf of IACLEA, is we have long endorsed formal authority for campus security officers. One of the difficulties in obtaining accurate data on many campuses is that lack of authority.

The other thing that muddies the water is the variety of bases of authority, which I touched on briefly. Many major public institutions have statutorily established campus police departments. The University of Delaware is now one of those, but until last year, we were special officers of the city. That's common in many places.

Yale University is sort of regarded as the original campus police department. They founded theirs in the last century. They still operate as officers of New Haven. They're not an agency in their own right in the eyes of the law.

Some campus departments are operating as deputy sheriffs, constables. There's all kinds of derivations, and that does lead to different methods of crime reporting. That is one of the reasons you do only see about 352 institutions in the UCR, but there are many more that do report. They just report through some peculiar way of their own.

Mr. GOODLING. That's one of the reasons for the legislation in our estimation. We want to try to make sure that the data available is similar coming from each institution, otherwise, it's not——

Mr. TUTTLE. From the perspective of those campuses that have certified police agencies, there would be jurisdictional problems. At the University of Delaware, for instance, 50 percent of the fraternity houses are on university land. They're within our jurisdiction to report all crimes that occur in those houses.

The other 50 percent, however, are in the community, and any calls for services, those sites are handled by the city police, not ourselves.

Mr. GOODLING. But are those—does not the institution also have rules and regulations dealing with those fraternity and sorority houses that may not be "on campus." In other words, they have to perform according to rules and regulations set by the university.

Mr. TUTTLE. There are some university regulations dealing with what one might call corporate conduct of a particular institution, a particular organization like a fraternity, but there's nothing at the University of Delaware that holds an individual student responsible for his or her actions when they're off the campus.

If a student is charged with shoplifting or underage possession of alcohol or what have you, in the city of Newark——

Mr. GOODLING. But if any of these things take place in that fraternity or sorority house, is there no jurisdiction on the part of the University of Delaware?

Mr. TUTTLE. The only jurisdiction would be for a corporate act. In other words, a party that was sanctioned by the fraternity. In that case, potentially the fraternity should have its recognition withdrawn by the University of Delaware.

Mr. Goodling. But the student could be expelled from school, suspended?

Mr. Tuttle. The University of Delaware takes actions against students if they are convicted of a felony anywhere off our property, but other than that, presently there are no sanctions taken for students convicted of misdemeanors, whether they're in an apartment or private house, the street or a fraternity house.

Mr. Goodling. They may get the wise idea that—one of my colleges did—Dr. Merriam will be familiar with this—where the faculty decided there shouldn't be fraternies and sororities. We should have all coed dorms because that's what life is all about. Fortunately, the trustees did not go along with that.

Thank you all for your testimony.

Mr. Caswell. Congressman, I wonder if I could just make a follow-up point to that that might be considered in the legislation. Part of what sometimes we feel out in the hinterlands is that parts of the bureaucracy don't talk to each other in these regards.

In the FBI Uniform Crime Reporting Code, I assume, reports through another part of this government. It would be very helpful if this Act is passed, if we could someway communicate so that persons in the higher education community beyond just IACLEA are a part of the FBI Review Committee, that looks at problems of definition and reporting relationships.

That would be very helpful to us, because here we are passing this, but, in fact, the FBI is the group that's doing it, and we need better communication in that regard.

Mr. Goodling. Good suggestion.

Mr. Atwell. It would be very helpful if we could be on that Review Committee to look at these issues.

Mr. Goodling. We should write that down.

Mr. Poshard. Mr. Hayes.

Mr. Hayes. Mr. Chairman, I just have a few brief questions I want to direct towards Mr. Caswell. Just recently, during Black History Week, I responded to an invitation to visit a campus of a university down in southern Illinois, Southern Illinois University, in observance of that occasion.

I noticed some vans coming in front of the administration building picking up female students at the entrance. I raised a question with some of the faculty members and students with whom I talked, is this a regular kind of service they provide.

They said, "yes." They pick them up and deliver them to the dorms where they have to go, or their place of residence, which I felt was a good idea, but it so indicated to me that there must be a problem with crime as it relates to students, female students.

I noticed you in your statement, you mentioned the fact that your annual conference begins today in New Orleans. You said over 2,200 professionals participate in meetings and program sessions. There are approximately 12 different sessions.

Your organization must be quite an expansive one on topics specifically related to campus violence and safety and security issues, and many more on topic related to improving the quality of community on campuses.

You say, in addition, next fall NASPA will sponsor two national teleconferences on enhancing campus community, Campus Responses to Racial Harassment and Intimidation will be broadcast on October 5, 1990.

My one question is, is that a national broadcast? Is that just something that your organization is going to broadcast in a certain area? Is it a national program that I might advise some people who are interested to take a look at on that date? Can you get specifics as to when and——

Mr. **Atwell**. I can get the specifics to you, but it will be for institutions of higher education to buy into, a teleconference that will be broadcast across the country for those institutions that will participate in it, but, no, it's not on CNN or something like that.

Mr. **Hayes**. I wish it was. In addition, you say—I guess the same thing would apply to my second question—Effective Approaches to Campus Security would be broadcast on November 15, 1990.

Mr. **Atwell**. The same thing.

Mr. **Hayes**. Is that the same situation?

Mr. **Atwell**. Yes, sir.

Mr. **Hayes**. They can buy into it, but that would be beamed to different campuses throughout the country?

Mr. **Atwell**. Right. We would be happy for you to appropriate some money for us to do that. We would be glad to do it.

Mr. **Hayes**. I'm not too sure that we shouldn't give it some serious consideration. The magnitude of a problem, sometimes if it is known, can help get the kind of support we need to combat what we know to be a deterrent to our growth in our society.

Mr. **Atwell**. We'll work with you.

Mr. **Hayes**. All right. Thank you very much, Mr. Chairman.

Mr. **Poshard**. Thank you, Mr. Hayes. Thank you, panel, for your excellent testimony. We appreciate your being here.

Our third panel is Mr. and Mrs. Howard Clery, Security on Campus, Inc., Bryn Mawr, Pennsylvania; Mr. and Mrs. George Nieswand, Long Valley, Jersey—forgive me if I mispronounce your names; Ms. Kristin Eaton-Pollard from Syracuse, New York; and Ms. Dana Getzinger from Palm Beach Gardens, Florida.

We will begin with Mr. and Mrs. Clery.

STATEMENTS OF MR. AND MRS. HOWARD CLERY, SECURITY ON CAMPUS, INC., BRYN MAWR, PENNSYLVANIA; MRS. GEORGE NIESWAND, LONG VALLEY, NEW JERSEY; MS. KRISTIN EATON-POLLARD, SYRACUSE, NEW YORK; AND MS. DANA GETZINGER, PALM BEACH GARDENS, FLORIDA

Mr. **Clery**. Thank you, Mr. Chairman. We're delighted to be here and speak strongly in favor of H.R. 3344, and we particularly want to salute Representative Goodling, and I speak for a lot of the victims who are here at this meeting today, that you have helped us a lot, sir.

Connie and I have prepared a statement, which was given to your office, and this testimony, we would hope, would be entered into the record with your permission. Additionally, Mr. Chairman, we would like you to accept a prepared statement by Mr. Frank

Carrington, our legal counsel, which supplements our statements with information of a legal and policy nature.

We request that Mr. Carrington's statement be entered into the record, also.

Mr. **Poshard**. Without objections, all statements mentioned will be entered into the record.

Mr. **Clery**. Let's begin our saga and maybe we can tie in what happened to the Clery family with the lack of information and college policies that are far too prevalent in the United States.

Our two sons graduated from Tulane University, and we were on the parents' committee there for five years. During the year that Jeanne was getting ready to apply to colleges, President Eamon Kelley advised us of a rape in a female dormitory, and then tragically Dr. Menckens' daughter was brutally raped and murdered there, and Dr. Mencken is here with us today.

We were rather pleased when Jeanne decided to go to Lehigh University because it was only an hour away from our home, and, of course, Tulane was quite a distance away, and we were already concerned and our boys had told us they didn't think New Orleans was such a great place to be, particularly for a girl.

On April 5, 1986, the whole Clery family fell victim to the medieval myth that college campuses that look safe are safe, and the policy of a lot of college campuses, if it's negative to their image, is what you don't know can't hurt you.

Our freshmen daughter, Jeanne, was asleep in her dorm room at 6 a.m. in the morning when she was brutally murdered by a Lehigh student, who she did not know, who began by robbing her room while she was asleep.

What Jeanne didn't know, and her fellow students didn't know, and were never told by Lehigh University, that there had been 38 violent crimes on campus between 1984 and 1986. Over 50 percent of these crimes were committed by Lehigh students, and that's a college of 4,000 undergraduates on an 800-acre campus.

The murderer entered her coed dorm easily because three automatically locked doors had been taped opened by students who were shacking up. Lehigh University later on in the trial admitted that they never had any punishment for somebody who propped open doors. They had never heard of anybody being punished, and this came from the dean's office.

However, Jeanne never knew that the student's security patrol that night neglected to secure the locked doors that might have saved her life, and although this patrol stated that they had locked and secured the doors, testimony in the criminal trial contradicted that, and these students were hired by Lehigh University.

They were paid, and in a sense, agents of the university, and I guess, the university and Jeanne got what they paid for, minimum wage.

Jeanne was raped, sodomized, her neck cut, and she was strangled to death by Joseph Henry, who then proceeded to finish robbing her room. Jeanne never knew that every ten days a murder occurs on a college campus.

Jeanne never knew that one out of six women students is sexually assaulted on her college campus, on all college campuses. Jeanne only knew that it was happening to her, and all Lehigh University had done in their pre-freshman orientation had passed out five cent plastic rape whistles.

Going on, that night her murderer told his friends that he was going out to steal golden boxes. They didn't try to stop him. He was a drug abuser and alcohol abuser, and evidentially, this was normal operating procedure.

After he had murdered Jeanne, he returned to his living quarters, and he told his roommate what he had done, and showed him the goods that he had stolen from a white bitch.

During the next 12 to 20 hours, he bragged what he had done to four other Lehigh students. The Lehigh campus police were now off the case, and the state police were in charge of the investigation. They were questioning hundreds of students.

It was interesting. We were not aware, and we found this out in a preliminary hearing, that it was a policy of Lehigh University that the Lehigh campus police, who were duly sworn police officers, they were prevented from patrolling dormitories, fraternities and sororities, and these are the three most dangerous places on a college campus.

Campus administrators would like you to believe that the threat comes from the outside, and I think you have heard today that it does not come from the outside, it comes from the inside, but to maintain a pleasant atmosphere, most colleges and universities are not patrolling the areas that are truly dangerous, and that's right in the dormitories.

It is interesting also that if you don't patrol dormitories and the sororities and fraternies, your expenses aren't too high. At Lehigh, only three-tenths of one percent of their operating budget was spent on security, probably less than a varsity sport.

Getting back to the anatomy of a murder, Joseph Henry's friends finally reported him to the state police, who are now in charge of the case. One year later, Jeanne's murderer was found guilty of murder one and sentenced to death.

We endured the pre-trial hearings and a two-and-half week criminal trial. We learned that her murderer abused alcohol and drugs, that he hated women, and he learned to hate whites at Lehigh.

One of the reasons he was in a rage was that he had just lost the presidency of the black student's association by one vote that night, that he had urinated in fraternity punch bowls, and that he had publicly masturbated in the library to show his contempt for that institution. They had him on a full scholarship.

We also learned that he had flunked out of Lehigh, was off-campus for a year, and readmitted in the fall of 1985, that he had a run-in with the campus police, that he had been fired for violence at a Burger King in Newark, New Jersey, one month before he was readmitted to Lehigh and given a job, can you imagine, in dormitory operations.

They never did any due diligence to find out what his previous work record had been. Evidentially, SATs tell all to the educational committee, academic committee in our society.

We also learned that Lehigh had kept for many years propped doors statistics. During the six and a half months Jeanne was on campus, there were 2,000 propped doors on this campus—181 in

Jeanne's dorm, but Lehigh had never done anything to correct the problem. They never punished any student who propped open a door.

During the trial, it was described by the defense attorney that Lehigh was awash in alcohol from Thursday to Sunday night. The university did little to actively enforce the Pennsylvania underage drinking laws on campus, especially if the 20 odd fraternies that are all located on campus, and as you know, 80 percent of the undergraduate students are underage, and what a message we send to our kids when the president of a university says, "Well, kids, have a wet weekend."

Alcohol is regularly used by many private institutions as distinct from public institutions as an alcoholic pacifier. Right after the murder at Lehigh University, the vice president of student affairs, Marcia Duncan, kept repeating to the press that Lehigh had a good security system.

A trustee, Mr. Pendleton, was urged by the president of Lehigh University, Peter Likens, to do a report so that he could hand it over to us. It was a one and a half page report that the trustee had made only talking to student groups, to nobody involved in security.

The thrust of his letter was that, although it was a tragic incident, Lehigh was not to have any blame put on it, and he spent the rest of the letter congratulating the vice president of student affairs and the dean for the wonderful security system that they had in place.

The president sent me a copy of this whitewash and said he felt assured and he hoped we would also be assured, but Connie and I were far from assured.

As a matter of fact, a year later, we litigated against Lehigh University, and they settled with us in a manner that was satisfactory to us, and so, we are here before you to try to save lives, to cut down the victimization that is going on in our college campuses.

We think that Representative Goodling's bill and his comments hit it right on the head when he said, "If you knew the amount of campus crime, which according to you is day to day, is running 5 percent annually higher than the National crime rate, if this was known by alumni, students, parents, and faculty, universities would do a hell of a lot more to provide adequate security and to live up to their role as a part of our total community that must respond to law, and have no exceptions made simply because they are a university."

Thank you very much.

[The prepared statement of Mr. & Mrs. Howard Clery follows:]

STATEMENT OF HOWARD K. CLERY, JR.
PRESIDENT, SECURITY ON CAMPUS, INC.
618 SHOEMAKER ROAD
GULPH MILLS, PENNSYLVANIA 19406

BEFORE THE SUBCOMMITTEE ON POSTSECONDARY EDUCATION
OF THE
EDUCATION AND LABOR COMMITTEE -- UNITED STATES HOUSE OF REPRESENTATIVES
WEDNESDAY, MARCH 14, 1990

IN SUPPORT OF:

"THE CRIME AWARENESS AND CAMPUS SECURITY ACT OF 1989"

Background Summary:

"One of the best kept secrets in the country, - is the extent of serious crime on our university campuses. Students and their parents have every right to know and determine the degree of safety they will have during their academic career". Representative Richard A. McClatchy Jr., Pa.

The majority of our nation's universities do not readily provide timely comprehensive and accurate Campus Security Information to their following constituencies:

A. Full Board of Trustees - who are potentially legally liable

B. Faculty members - who are potential victims

C. Employees - who are potential victims

D. Students - who are potential victims

E. Prospective students and parents - who are potential victims.

In support of Comprehensive Campus Security Information:

The following are some of the organizations and institutions in support of readily available and accurate information:

A. International Association of Campus Law Enforcement Administrators - Arnold Trujillo, President, supports both state and federal laws requiring full disclosure. "I would support it and most of my colleagues as well would. It will assist us in reporting what is actually happening on college campuses and it would enhance crime prevention movements on our campuses".
U.S.A. Today 9/6/88.
Asa Boynton, Past President of I.A.C.L.E.A. is quoted as saying "some schools don't report crime because they are fighting for

students and concerned about their images. If Campus Police Chiefs were candid, many would say "I would like to report but my boss says I can't".

B. University of Washington Police Chief Michael G. Shanahan regularly reports campus crime statistics in the student newspaper. As a result, violent campus crimes have been reduced by 50% in the last year, 1989. He feels campus crime reporting allows the campus community to take mature safety measures. Also, the university administrators are forced to provide adequate resources to provide a safe environment.

C. American Council on Education - Sheldon E. Steinback, V.P. and General Counsel. "I think if you have knowledge that something has happened, and you fail to inform people, you wind up increasing your potential liability". The Chronicle of Higher Education, 9/28/88.

D. Center for the Study and Prevention of Campus Violence, Towson State University, Maryland - Robert B. Cave, Associate Director, "University Administrators are learning that an institution's crime record is one facet that students are going to look at when they decide where to attend."

E. Presidential Commission for Victims of Crime, former member, Frank Carrington, currently Legal Advisor to the National Victims' Center, - "Negligence suits by victims of crime versus colleges and universities are increasing at a substantial rate. Federal and State Courts are finding that those institutions have "A Duty to Inform and based upon campus crime records they may be held liable for Foreseeable Occurences".

F. Boston University - Christopher Queen, Director of Judicial Programs, - "I support the Clery Act. It is long overdue!" Allston Brighton Journal, 3/2/89.

Frequent Arguments Against Passage of Legislation:

The following summarizes the arguments used by University Administrators and Lobbyists:

A. It will cost too much to provide this information.

B. It forces the institution to publish negative information.

C. Students and parents will not know how to interpret the crime statistics.

D. The Campus Security Information Reports will lead to more negligence suits versus the institutions.

E. Institutions in particular reporting state, will be unfairly compared to institutions in other states which are not compelled by law to report.

Rebuttal to Arguments Against Passage of Legislation:

A. The cost to disseminate accurate information is negligible.
- Crime statistics for the prior 3 years are easily given to students on campus, faculty and employees by using in-house publications and the student newspaper and radio station.
- Institutions already flood applicants and their parents with tens of thousands of dollars worth of published material about the institutions, i.e., catalogues, handbooks, brochures and letters. The Campus Security Information can easily be included

in the material already being sent out at low cost.

- Almost all institutions with a campus police force or security agency, keep Daily Police Logs. It takes approximately 30 minutes monthly to compile felony statistics for: murder, rape, robbery, aggravated assault, burglary, arson, etc.

- If an institution does not have Daily Police Logs and summaries, they do not have an effective security system in place to prevent campus crime.

B. No one likes to publish their dirty linen in public, but federal and state laws require businesses, hospitals, etc., to publish to employees unsafe working conditions and hazardous materials. Consumer laws also require labeling of products that are harmful or have serious side effects. An informed public has a right to know. Shouldn't the students, faculty and employees of our colleges and universities also have a right to know? No student or parent should have to refer to the F.B.I. Uniform Crime Report to determine the degree of campus safety. The vast majority of these people do not know this report exists and only 12% of campuses report annually to the F.B.I.

C. It is very easy for students and parents to interpret campus crime statistics. They are not stupid! Research by the Center for the Study and Prevention of Campus Violence at Towson State University and U.S.A. Today's Pulitzer Nominee for their 3 day series of articles on Campus Violence reveal that the violent crimes per hundred students do not change significantly between Urban, Suburban and Rural campuses nationally. The reason is:

students commit over 50% of the violent campus crimes. In 80 - 90% of these violent crimes committed by students, alcohol and drug abuse are involved. Campus underage drinking is at epidemic proportions and universities are not enforcing the State Laws already in place. Far too many institutions treat enforcement of Federal Drug Laws with benign neglect. Mr. Dallas Martin, President of the National Association of Student Financial Aid Officers representing 3,300 universities, stated his organization's opposition to reporting or cancelling Federal Student Grants to known student drug abusers or sellers, in spite of the fact, that student recipients sign a drug-free pledge when applying for Federal Grants. (New York Times. 10/8/89)

D. Campus Security Information Reports will not lead to increased litigation. Institutions' crime reports, etc., are usually subpoenaed by court order and are thus available to the plaintiffs.

E. Our institutions should be safe places for their students - first and foremost. The reputations of our colleges and universities do not take precedence over the awareness of its students for their safety. Institutions of higher learning usually pride themselves for disseminating the truth, be it good news or bad news. Why do they object and wish to hide the truth concerning campus crime?

Outline on Campus Crime:

A. Only 10 - 12% of the colleges and universities report their crime rates to the F.B.I. for inclusion in the Annual Uniform

Crime Report for American Colleges and Universities. How many prospective students and parents even know this very incomplete report is available?

B. U.S.A. Today Series of Articles got 690 institutions, out of 1,400, to report their crime statistics. Here are their findings:

- 1987 there were reported by Campus Police Chiefs 285,000 campus crimes:

31	Murders
600	Rapes - 90% of rapes go unreported and their best estimate was 6,000 rapes occurred.
1,800	Armed Robberies
13,000	Assaults
22,000	Burglaries
3,300	Drug Law Violations

- 1987 campus crimes were up 5% from 1986. The National Crime rate went up 1.8% in 1987.
- 1 out of 500 students will be a victim of violent crime.
- Students commit over 50% of the violent crime. Alcohol and drug abuse were involved in 80% of these cases.

C. The Santa Monica Rape Center and Towson State University Center for the Study and Prevention of Campus Violence have completed studies showing 1 out of 4 to 1 out of 6 women students are victims of sexual assault while on campus. The most common type of rape is "acquaintance" rape. Their surveys also show 30% of male students interviewed believe it is o.k. to force sex on a female student. 15% of male students interviewed admit to forcing sex on fellow female students. Campus rape is a national scandal and growing. Why do most institutions now have Campus Rape Centers?

D. It is very important that the Attorney General's Office enforce H.R. 3344. Many institutions do and will report fewer crimes than actually took place. Examples:

- Cornell University had a double murder in the dormitory room of 3 women students in 1983. Cornell for years reported their crime statistics for the F.B.I. Uniform Crime Report. They did not report the 2 murders for inclusion in the Report.
- Mount Aloysius Junior College in Pennsylvania reported 93 crimes for 1987 in the U.S.A. Today Report. The President forced the head of Campus Security to ament the report to 1 crime. Since then, the head of Campus Security has been fired.
- Harvard University - "When Harvard students are the ones involved in illegal activities", however, Harvard police say they do not always enter arrests in the Daily Police Blotter. Harvard Police Paul E. Johnson was quoted as saying "When a Harvard student is arrested, it may be omitted from the Log to avoid embarassing the person". Article of 3/17/89 - The Harvard Crimson by Joshua A. Gerstein.

Conclusion:

The reports available show campus crime is a hidden national scandal! One out of five students is a victim of crime. The future of our country is diminished accordingly.

We petition you in memory of our daughter, Jeanne, who was tortured, raped, sodomized and strangled in her dormitory room by a Lehigh University student whom she did not know and who was a drug and alcohol abuser robbing her room at 6:00 a.m. in April 5, 1986. Her murderer received the death penalty.

Respectfully submitted,
Connie and Howard Clery

Mr. **POSHARD**. Thank you, Mr. Clery. Let me express the sorrow of the members of this committee toward the personal tragedies that members of this panel have experienced. I know it is a very sensitive subject for all of you to be addressing today, and we thank you for the courage that you're showing.

We will go next to Mr. and Mrs. George Nieswand. Are they here? May I ask, because some of the members, including myself, of the panel, are going to have to leave shortly after lunch, that as best you can, summarize your remarks, if that would be possible, from hereon in in fairness to the panel that would follow you folks that need to appear also. Thank you.

Ms. **NIESWAND**. Thank you, Mr. Chairman. I appreciate the opportunity to speak here today. I would also like to apologize for my husband, who was unable to make it, but he had a prior commitment before the date of this hearing had been set.

Mr. **POSHARD**. Ms. Nieswand, could you pull the microphone over and speak close to it.

Ms. **NIESWAND**. Is that better?

Mr. **POSHARD**. Yes, that is better. Thank you.

Ms. **NIESWAND**. On December 17, 1983, my daughter, Erin, was murdered on the campus of Cornell University. A man entered her dormitory room unchallenged, carrying a 22-caliber rifle. He held six students hostage for over 30 minutes. He released four of the students, turned the gun on Erin and her roommate. Erin died five hours later in Upstate Medical Center.

We were told about the shooting from another Cornell student. It was three hours before we received any word from Cornell. We spent two agonizing hours on the telephone trying to reach campus security at Cornell, as well as the Ithaca police, when finally an Ithaca sergeant confirmed the fact that, yes, there had been a shooting, and, yes, Erin was a victim.

Erin had been accepted at five colleges and universities. We felt that her choice of Cornell was a good one. My husband had spent a year at Cornell receiving his Master's Degree. We read all of the brochures. We assumed, incorrectly, that what the brochures told us were true.

We believed Cornell was offering a safe and secure campus. Unfortunately, as I said, we were incorrect. In October Erin's murderer entered a plea bargain with the State of New York. He pleaded guilty to manslaughter in the second degree, and guilty to second degree murder for the murder of my daughter.

In April of 1984, we filed a civil suit against Cornell University. In September of 1990, six years later, we finally got our day in court. In our settlement with Cornell, we achieved a primary goal which inspired us to file the suit originally.

We started with a proposition that no amount of money can adequately compensate us, nor can it compensate any parent for the loss of a child. However, through this litigation, Cornell has been compelled to pay a very substantial sum in settlement, which clearly is a recognition by Cornell that their totally inadequate security system was the cause of Erin's death.

Although this fact will be denied by Cornell, and they will assert that this settlement is not an admission of fault or liability, it must be remembered that until we started presenting our case to the jury and bringing the defects in Cornell's security to the public, Cornell had maintained that there would be absolutely no settlement.

We considered the settlement a victory for Erin. It is obvious that Cornell would not have entered into this settlement if they believed their security could stand the scrutiny of a public trial.

Parents must closely examine the security systems of the colleges being considered by their children. They must ask hard questions and not simply rely on the self-serving platitudes of college brochures.

They must be sure that the institutions take their security policy seriously, and impart that sense of concern on the students. Colleges and universities have gone to great lengths to protect their libraries, their computer centers, their athletic facilities. Why have they been allowed to show any less concern for their students?

Corrections in campus security can only be accomplished by pressure from concerned parents and legislators. We hope it comes to pass so that other parents will not have to undergo the agony which we have endured since 1983.

Thank you.

[The prepared statement of Patricia Nieswand follows:]

Statement of Patricia and George Nieswand
137 Black River Road
Long Valley, New Jersey 07853

Before the Sub- Committee on Post Secondary Education of the
Education and Labor Committee
United States House of Representatives
March 14, 1990

On December 17, 1983, my daughter Erin, was murdered in her dormitory room on the campus of Cornell University. The murderer entered her dormitory unchallenged, carrying a 22 caliber rifle. Mr. Kim walked through an unlocked door. There was no desk check. This man was permitted to roam the dormitory for 3 hours. No one stopped him; no one asked him what he was doing there. He took six students hostage and held them at gun point for 30 minutes. After releasing four students, he shot Erin and her roommate Young Hee Su. Young was killed instantly. Erin died five hours later at Upstate Medical Center in Syracuse, New York before we could reach her.

We were told about the shooting from another Cornell student. For two agonizing hours we tried to get information from campus security and the Ithaca police. Finally, a sergeant on the Ithaca Police Force confirmed the fact that Erin had been shot. The first call that we received from Cornell University came three hours after the shooting.

In August, 1983, my husband, myself and Erin left our home in New Jersey and traveled to Cornell University, Ithaca, New York, where Erin was to begin her freshman year. Anxiety and excitement were just a few emotions that we were all feeling.

Erin had been accepted at five colleges and universities: Bucknell University, Lafayette College, Lehigh University, Rutgers University and Cornell. The decision to enter Cornell was based on many things. My husband had received his Master's Degree from Cornell in 1966 so we were familiar with its academic reputation. Erin was also hoping to continue her athletic career by playing basketball for Cornell.

We read all the brochures that were sent to us regarding available housing and campus security. And, after careful consideration and research, chose what options were available. We assumed that Cornell was offering a safe and secure campus. There was nothing in any of the materials that we received to suggest otherwise. Unfortunately, we assumed incorrectly.

In October, 1984, Erin's murderer entered into a plea bargain with the State of New York. Under the agreement reached, Mr. Kim pleaded guilty to manslaughter in the second degree for the death of Young Hee Su and murder in the second degree for Erin's murder. He received a concurrent sentence - 12 years for manslaughter, 25 years to life for second degree murder.

In April, 1984, we filed a civil suit against Cornell University for negligence in the unlawful death of our daughter Erin.

In September, 1990, 6 years later, we finally were able to bring our case into court.

In our settlement with Cornell, we achieved a primary goal which inspired us to file the law suit. We started with the proposition that no amount of money can adequately compensate us, nor can it compensate any parent, for the loss of our daughter. However, through this litigation, Cornell has been compelled to pay a very substantial sum in settlment, which clearly is a recognition by Cornell that their totally inadequate security system was the cause of Erin's death.

Although this fact will be denied by Cornell, and they will assert that the settlement is not an admission of fault or liability, it must be remembered that until we started presenting our case to the jury and bringing the defects in Cornell's security to the public, Cornell had maintained that there would be absolutely no settlement and that the jury would rule their security was adequate.

We considered the settlement a victory for Erin over Cornell and its insensitivity to the safety of its students. It is obviouos that Cornell would not have entered into this settlement if they believed their security could stand the scrutiny of a public trial. The existing laws of New York substantially limit the amount that a parent can recover in a case brought for the death of their child. The amount paid by Cornell is very close to the maximum that New York law would have allowed the jury to award.

Parents must closely examine the security systems of any college being considered by their son or daughter. They must ask hard questions and not simply rely on the self-serving platitudes of college brochures. They must be sure that the institutions take their security policy seriously, and impart this sense of concern for safety to the students. Colleges and universities have gone to great lengths to protect their libraries, computer centers, and athletic facilities. Why have they been allowed to show any less concern for their students?

Unfortunately, we did not achieve our other goal of compelling Cornell to change its approach to security. The same defects that existed in Cornell's security in 1983 that allowed Mr. Kim to enter our daughter's dormitory with a rifle, apparently continue today.

Corrections in campus security can only be accomplished by pressure from concerned parents and legislators. We hope it comes to pass so that other parents will not have to undergo the agony which we have endured since 1983.

I have included a copy of a speech that my husband presented at commencement ceremonies at Rutgers University in May, 1984.
We hope that this statement gives you an insight into what Erin meant to us and what her death has taken from us.

Attachment

"It is only with the heart
that one can see rightly;
what is essential is invisible
to the eye."

The Little Prince
Antoine de Saint Exupéry

* * *

Please accept this book and the enclosed comments presented at the 1984 Cook College graduation ceremony as a gift from my daughter, Erin, to you. While she visited upon this earth for an all too brief time, she touched many people in gentle and caring ways. I hope that you will read and learn from these gifts. I hope that they will make a difference. . . .

George H. Nieswand
Acting Dean, Cook College
July 9, 1984

THE DEAN'S COMMENTS

1984 Cook College Graduation Ceremony

George H. Nieswand, Acting Dean

This past Wednesday morning I took a ride to the Catskills to an old rundown farmhouse on the side of a hill. It's owned by my parents and a group of their friends and is a place that is full of memories for me. It's called Eureka.

I went there to sit on the porch, to be alone, to think about what I wanted to say to you today. I had actually been thinking about it for several weeks . . . about what you might *want* to hear . . . about what I *should* say. People were more than generous in providing me with advice on both accounts. But then I decided *no* . . . what I really wanted was to say something that *I* wanted you to hear. To try to say something that you might carry away with you . . . that might make a difference to you.

One of my favorite stories is "The Little Prince" by Antoine de Saint Exupéry. For those of you who don't know the story, it's a fairy tale about a little prince from another planet who is traveling the galaxy in search of some understanding of life and love. At one point in the story he is provided with a secret, a very simple secret: "It is only with the heart that one can see rightly; what is essential is invisible to the eye."

And so what I'd like to do today is speak to you from the heart. What I have to say is personal. It's between you and me. It hasn't been reviewed, edited or polished. There were no advance copies.

This is a wonderful day for all of you. It's a time for celebrating your accomplishments. It's a time for looking with anticipation and excitement towards the opportunities that lie ahead. It's a time to be thankful.

Last spring about this time my oldest daughter, Erin, was getting ready to graduate from high school. She was eighteen, a beautiful girl, SATs of 1290, in the top 5 percent of her class, a member of the National Honor Society and recipient of ten varsity letters for field hockey, basketball and softball. She had been admitted to Cornell University and was looking forward to going with the usual trepidations.

I remember a hectic summer of working, spending time with friends and getting ready to go.

In late August Pat and I packed a borrowed van to overflowing and took Erin up to Cornell for their freshman orientation week. We helped her get settled in her room, met her roommate, took them to dinner and spent the night in a motel. While she dominated our household for eighteen years, I remember the following morning when we left her how small and alone she looked as she walked away from us down a path towards one of the academic buildings. It was all that Pat and I could do not to call her back to us. But she was off on a part of her life's journey, and it wasn't the time or place for us to be tagging along.

Like all freshmen she didn't call home often enough for her mother's sake, but called too often in terms of the telephone bills for which her father was writing the checks. Pat and I both felt good about the choice she had made when one day she called during a stressful first round of examinations and said, "You know, Mom, even when I don't like it here, I like it here."

In October Erin and some of her friends from Cornell decided to spend their fall break at Eureka rather than coming home. Pat was disappointed but decided she could wait until Thanksgiving to see her. I was assigned the task of delivering both food and a high school friend to the farmhouse. I spent a wonderful two days with them. I'd like to read what Erin wrote in the journal that is kept there for people to record their visits:

Entry in the Fees Book
Eureka: October 13–17, 1983

Eureka was invaded by a group of Cornelians on their fall "break." Melissa, Jane and I arrived on Thursday evening and anxiously awaited the arrival of my father and Margaret with food for the weekend.

Friday dawned a beautiful crisp fall day. We hiked to the old farm and to lookout point. Ron and the rest arrived later on in the day. We dined on baked ziti, compliments of Mom, and spent the evening with cavas and wine. Much to our surprise, and later delight, the Kirchner klan and friends arrived later on in the evening. The house was filled with laughter, good food and interesting conversation. Agnieszka even found an audience for her guitar playing.

Saturday the men worked hard, replaced the roof, cut wood and worked on the new outhouse. Jeff and Mattie took us down to the blue hole—Jane jumped in for a six pack. Typical.

Sunday was marked by a trip to the farm, laziness in the field and singing on the porch with Margaret and Jane. Diane made futile attempts to frighten us, but we were brave.

Tonight Jane, Melissa, Diane and I remain. The table is littered with books, old *Playboys* and empty wine bottles. Right now we are arguing as to when to leave tomorrow for Ithaca. We all want McDonalds. Till next time—

Erin Nieswand

In November Erin came home for Thanksgiving accompanied by her boyfriend from Puerto Rico whom she had met at Cornell. They were a beautiful couple, and she delighted in showing him off to all her friends. It was a wonderful four days spent together with family and friends.

Then on Saturday, December 17th, just before midnight, Pat and I were woken by the telephone. It was Erin's roommate sobbing hysterically that Erin had been shot in her dormitory room by an intruder. Erin died five hours later at the Upstate Medical Center in Syracuse before Pat and I could reach her. . . .

"Till next time—," she had written in the journal at Eureka just two short months ago. . . .

If I can give you something today . . . something that you might carry away with you . . . something that might make a difference to you, it would be a heightened sensitivity and awareness of just how precious, how wonderful, how beautiful, how fragile life is. Take advantage of the time that you have. It's finite. Every one of us is granted only so much, and none of us really knows how much that is. Guard the time that you've been given jealously. Don't squander it and don't let others squander it for you. Live. Continue to learn. Continue to grow. Continue to achieve. Continue to become. And don't forget to take the time to smell the flowers, to feel the warmth of the sunshine, to hear the softness of the rain. Take the time to love another person.

Before closing, I would like to read something to you. The source is not important though some of you may recognize it. It was written by an eighty-five-year-old man who had just learned that he was going to die:

> If I had to live my life over again, I'd try to make more mistakes next time. I'd try not to be so damn perfect. I'd relax more, I'd limber up, I'd be sillier than I've been on this trip. In fact, I know few things that I would take quite so seriously. I'd be crazier, and I'd certainly be less hygienic. I'd take more chances. I'd take more trips, I'd climb more mountains, I'd swim more rivers, and I'd watch more sunsets. I'd burn more gasoline. I'd eat more ice cream and fewer beans. I'd have more actual troubles and fewer imaginary ones.
>
> You see, I was one of those people who lived prophylactically and sanely and sensibly, hour after hour and day after day. Oh that doesn't mean I didn't have my moments. In fact I'd try to have nothing but wonderful moments side by side. I've been one of those people who never went anywhere without a thermometer, a hot water bottle, a gargle, a raincoat and a parachute. If I had it to do all over again I'd travel lighter next time.
>
> If I had my life to live over again I'd start barefoot earlier in the spring and I'd stay that way later in the fall. I'd play hookey a lot more. I'd ride more merry-go-rounds. I'd smell more flowers. I'd hug more children. I'd tell more people that I love them. If I had my life to live over again. But, you see, I don't.
>
> as quoted by Leo Buscaglia
> in *The Art of Being Fully Human*

In closing, I would like to say to you parents, even though you have a wealth of experience and will continue to see all of the mistakes that your children make, don't push too hard. Give your daughters and sons the room they need to grow and become themselves. But don't abandon them either. They will always be your children.

And to you students, even though you now have all the answers, be tolerant of your parents. It's just possible that every now and then they may come up with a useful piece of advice. And in the excitement of pursuing your own life don't forget them either. They will always be your parents.

And finally to the faculty and staff, I thank you on behalf of both parents and students for making this day possible.

It's a wonderful day for all of you. It's a time to reflect, to celebrate, to look forward. It's a time to be thankful.

And so, "Till next time—". . . .

Thank you.

May 25, 1984

Mr. **Poshard**. Thank you very much for your testimony. Ms. Kristin Eaton-Pollard.

Ms. **Pollard**. Mr. Chairman, my name is Kristin Eaton-Pollard. I'm from Northampton, New Hampshire, and I'm here today to speak in favor of H.R. 3344. I'll try to summarize my testimony the best I can.

I'm a sophomore undergraduate at Syracuse University, presently enrolled in their school of Visual and Performing Arts.

At this point, I would like to mention that since September of this school year, we've had seven rapes on our campus. One of our students was beaten to death by an unknown assailant, and one of our janitorial staff was shot to death.

As a resident advisor, a member of the Chancellor's Task Force on Rape, and the local board chair of the New York Public Interest Research Group, I offer the committee my account of the rape crisis at Syracuse University, and how I have been involved in formulating some comprehensive solutions to the problem on our campus.

In the fall of 1988, I enrolled in the freshman class at Syracuse University, awed by the smoothly written pamphlets and brochures filled with pictures of a springy green campus.

Less than one month later, on October 2, 1988, my perspective and direction was shattered as I was grabbed from beneath a street lamp and raped in a park I later learned was notorious for its frequent occurrence of violent crime, located only about 100 yards from my residence hall.

I would not be where I am today, advocating rape awareness, increased security on campuses, and support services for these victims of violent crime if I had not been a strong enough person at the time to find the support services I needed on the campus by myself.

When I later complained to the university that I had not been contacted by their services, or by the local Rape Crisis Center, they told me I was an exception, but after talking to other survivors on my campus, I realized this wasn't so.

In the past year, I've been very actively involved with the Syracuse University administration, and have helped mobilize the university into establishing a rape crisis center, installing a blue light security phone system, and increased residence hall security, and advocating general awareness on my campus.

I've also formed by myself Women for Women, a support group for these survivors of rape, sexual assault, and incest. I'd also like to mention that in my group I have close to 40 women seeking counseling with me, which is more than Syracuse University has in their counseling or psychiatric services combined.

My name on the Syracuse campus has become synonymous with that of a rape survivor, not just a victim, and a rape awareness activist.

I've been approached by many victims of sexual assault in between my classes, or in the student organizations area who break down in front of me and tell me they don't know what to do, or where to go for help. The question of where a woman goes when she has been raped has not and must be answered.

The programs at Syracuse University should have been initiated of their own accord a long time ago. The security and support services are long overdue. The problem we face with universities today is an unwillingness to admit a rape crisis exists on their campus.

The fear of losing clientele and prospective students is a strong factor in this unwritten decision. I'd like to make two recommendations on how I feel the committee can most effectively initiate the resolution of this crisis and create a standard of increased awareness.

Because of the recent attention the media focused on the crime on campus, students are factoring the safety of the colleges' environment into their process of choosing a school.

My first recommendation is to require colleges and universities to publish crime statistics and security procedures, resulting in a proactive standard of education, awareness, and responsible security measures.

The outcome of this action would be that a college which addresses the problem and makes an effort will attract prospective students. A college not addressing the issue with a weak security programs and no follow-up to its victims will lose prospective and present students.

This will allow students to choose a school not only according to their educational standards, but also ensuring themselves a safe environment conducive to their academic goals. Had I been aware of the threatening environment at Syracuse, I may have invested my $17,000 in a university with a more secure living environment.

Secondly, all the security measures, within reason, cannot prevent the occurrence of some violent crimes. Not every survivor of rape or sexual assault has the courage or perseverance to speak in public on the subject of rape and sexual assault.

Unfortunately, I've known many brilliant students who have dropped out of school after falling victim to such crimes. Without these necessary support services, we're losing students who deserve to complete their education.

I recommend that specific grants be set aside to help universities establish sexual assault support services on their campus, not only to provide the support services and counseling, but also be a center for education and awareness.

Each year, colleges and universities are becoming more like businesses and companies. Choosing a school has become a consumer issue. Students deserve to know what they're paying for and should know exactly what they're getting.

In closing, I would like to recommend the committee take a proactive stand in recognizing the importance and the magnitude of this issue, and through your recommendations, set a standard for universities to follow.

Until we can better educate today's younger generations at the grassroots level of the threatening situations on colleges and universities, we must protect to the best of our abilities the students fearing for their safety on college campuses today.

Thank you.

[The prepared statement of Kristin Marie Eaton-Pollard follows:]

Statement of

Kristin Marie Eaton-Pollard
122 Lafayette Road
North Hampton, New Hampshire

Before the

Subcommittee on Post-Secondary
Higher Education
of the
Education and Labor Committee
United States House of Representatives

Wednesday, March 14, 1990

My name is Kristin Eaton-Pollard. I am a sophomore undergraduate at Syracuse University, presently enrolled in the school of Visual and Performing Arts. As a Resident Advisor, a member of the Chancellor's Task Force on Rape, and local board chair of the New York Public Interest Research Group, I offer the committee my account of the rape crisis at Syracuse University and how I have been involved in formulating some comprehensive solutions to the problem.

In the fall of 1988, I enrolled in the freshman class at Syracuse University, awed by smoothly written phamplets and brochures filled with pictures of a springy green campus. Less than one month later, on October 2,1988, my perspective and direction was shattered as I was grabbed from beneath a streetlamp and raped in a park I later learned was notorious for its' frequent occurence of violent crime, located about 100 yards from my residence hall.

I would not be where I am today, advocating rape awareness, increased security on campus, and support services for victims of sexual assault if I had not been a strong enough person to find the support services I needed myself. When I later complained to the university that I had not been contacted by their services or the local Rape Crisis Center, they claimed I was an exception.

After talking to other survivors on campus, I realized this was not so.

In the past year, I have been actively involved with the Syracuse University administration, and have helped mobilize the university into establishing a rape crisis center on campus, a blue light security phone system, and increased residence hall security. I have also formed Women for Women, a support group for survivors of rape, sexual assault, and incest. My name on the Syracuse campus has become synonymous with that of a rape survivor (not just a victim) and a rape awareness activist. On many occasions I have been approached by victims of sexual assault, in the student organizations area or between classes, who break down and tell me they don't know what to do or where to go for help. The question of where a woman goes when she has been raped has not been, and must be, answered.

These are programs the university should have initiated of their own accord a long time ago. The security and support services are long overdue. The problem we face with universities today is an unwillingness to admit a rape crisis exists on their campus. The fear of losing clientelle and prospective students is a strong factor in this unwritten decision.

I would like to make two recommendations on how I feel the committee can most effectively initiate the resolution of this crisis and to create a standard of increased awareness.

Because of the recent attention and media focused on crime on campus, students are factoring the safety of the colleges' environment into their process of chosing a school. My first recommendation is to require colleges and universities to publish crime statistics and security procedures, resulting in a pro-active standard of education, awareness, and responsible security measures.

The outcome of this action would be a college which addresses the problem and makes an effort will attract prospective students. A college not addressing the issue, with weak security programs and no follow-up to its' victims, will lose prospective and present students.

This will allow students to choose a school not only according to their educational standards, but also assuring themselves a safe environment conducive to their academic goals. Had I been aware of the threatening environment at Syracuse, I might have invested my money in a university with a more secure living community.

Secondly, all the security measures (within reason) cannot prevent the occurence of some violent crimes. Not every surviver of rape has the courage or perseverence to speak in front of Congress on the subject of rape and sexual assault. Unfortunately, I have known many brilliant students who have dropped out of school after falling victim to such crimes. Without neccessary support services, we are losing students who deserve to complete their education. I recommend that specific grants be set aside to help universities establish sexual assault support services on campus, to not only provide support services and counseling, but also be a center for education and awareness.

Each year, colleges and universities are becoming more like businesses and companies. Chosing a school has become a consumer issue. Students deserve to know what they are paying for and should know exactly what they are getting.

In closing, I would like to recommend that the committee take a pro-active stand in recognizing the importance and magnitude of this issue, and through your recommendations set a standard for universities to follow. Until we can better educate todays' younger generation how to avoid threatening situations at the grassroots level, we must protect to the best of our abilities those students fearing for their safety on campuses today.

Mr. **Poshard**. Thank you for your testimony, and next we will go to Ms. Dana Getzinger.

Ms. **Getzinger**. Mr. Chairman, I'm here from North Palm Beach, Florida, and I go to the University of Georgia, and I'm also here in support of the Crime Awareness and Campus Security Act of 1989.

I have a prepared statement and respectfully request that it be made part of the record.

Mr. **Poshard**. Without objection.

Ms. **Getzinger**. All of my dreams of college came true, but, a horrible nightmare experience will now be among the lifelong memories that I will carry.

As I near the end of my college years, I'm still as completely immersed with my college life as what I was when I began. With each stage I passed through, I sought to get as involved as I could.

The University of Georgia has been my utopia with the Kappa Alpha Theta sorority, countless great friends and activities, including our big time football and basketball programs.

I've simply lived the storybook college world, a truly dream perfect college life where I could never have asked for more, but I do now. I ask you for H.R. 3344.

Colleges and universities, and their environments, are high crime districts and most students are not aware of that. Rape, murder, and violent assault are all there, and my friends are not being sufficiently warned to take the precautions necessary to prevent them from being its next victim.

We're the targets of breaking and entering thieves who literally see our world as easy hunting grounds. Serious crime statistics have also been uncovered that prove that the fun filled "party" part of college life is equally as threatening, the crime of students against students, particularly when alcohol and drugs are consumed.

Sufficient research, surveys, and studies exist that prove the magnitude of the crime statistics and estimates at colleges. I'm alarmed at what they show. Larceny, rape, murder, and violent assault are all happening at colleges and universities, all large and small, both rural and urban.

I've been to other schools and known enough students from practically all throughout the U.S. to know with confidence what I'm here to say. I want to testify at today's hearing that I believe I know a significant factor, perhaps the most significant factor of why the problem exists: students are not aware.

They do not know about the crime, and with equal certainty, their parents don't know the true risk that their children are exposed to when leaving home and going off to college. Your son or daughter is defenseless if unaware of an attacker that is stalking students.

If a student is aware, the proper precautions can be taken to prevent this vulnerability. However, before any problem can have a solution, the problem itself must be known. Crime at college must be recorded and must be reported.

More important, it must be known by students and by their parents. This information should be guaranteed by law, and our safety begins with it—awareness. I'm here because I do not want any student to have to learn this the way that I did.

On January 17, 1988, I was awakened by a masked intruder, who I did not know at the time, his intentions were rape, but he attempted by thrusting a pillow over my face and trying to suffocate me.

When he was unsuccessful at doing this, he plunged a knife into the base of my heart. I've been told that my chances of survival were not good. I'm here to tell you that without this awareness that any student at any college, their chances are not very good, without H.R. 3344, Awareness.

I now know that other girls like me were attacked while sleeping in their beds. Before my attack, I was unaware. I also now know that the volume of theft and other crime around campuses is very high. Before my attack, once again, I was unaware.

The conduct, the attitudes, and the alertness of students must change if the crime is going to be stopped. These factors attract the crime to the campus. Unawareness is what makes them easy, unsuspecting prey.

With H.R. 3344, many students and their parents will be spared the agony that most of this bill's motivated proponents have experienced. We have a right to know, and we are defenseless if we do not know.

Thank you.

[The prepared statement of Dana Getzinger follows:]

STATEMENT OF
DANA GETZINGER, STUDENT
UNIVERSITY OF GEORGIA, ATHENS, GEORGIA

595 Macon Highway
Windsor Place #6
Athens, Georgia 30606

Before the Sub Committee on Post Secondary Education
of the Education and Labor Committee -
U.S. House of Representatives
H.R. #3344

Wednesday, March 14,1990

Mr. Chairman:

All of my dreams of college came true. But, a horrible nightmare experience will now be among the life long memories I will carry. As I near the end of my college years, I am still as completely immersed with my college life,as I was when I began. With each stage I passed through I sought to get as involved as I could. My utopia, in picturesque Athens, Georgia, the University of Georgia, with my Kappa Alpha Theta sorority, countless great friends and activities, including our big time football and basketball programs, adding to a storybook college world. A truly dream perfect college life. I do not think anyone could ask for more. I do...NOW! I ask you for House Bill #3344.

Colleges and universities, and their environs, are high crime districts and most students don't know it. Rape, murder and violent assault is there, and my friends are not being sufficiently warned to take precaution against being the next victim. We are the targets of breaking and entering thieves who literally see our world as "easy hunting grounds". Serious crime statistics have also been uncovered that prove that the fun filled "party" part of college life is equally threatening...crime of student against student, particularly when alcohol and drugs are consumed.

Sufficient research, surveys, and studies exist that prove the magnitude of the crime statistics and estimates at colleges. I am alarmed at what they show. Larceny, rape, murder, and violent assault is happening at all colleges and universities; large and small, rural and urban.

I have been to other schools and know enough students from practically all throughout the U.S., to know with confidence what I am here to say. I want to testify at today's hearing that I believe I know a significant factor, perhaps the most significant factor, of why the problem exists: students are not aware! They do not know about the crime. With equal certainty, I want to tell you that their parents do not know the true risks their children are exposed to when they leave home for college.

Your son, or daughter, is defenseless if unaware of an attacker stalking students. If a student is aware, the proper precautions can be taken to prevent vulnerability. However, before any problem can have a solution, the problem itself must be known. Crime at college must be recorded and reported. More important, it must be known by students, and their parents. This information should be guaranteed by law. Our safety begins with it...AWARENESS.

I am here because I do not want any student to learn this the way I did. On January 17,1988, I was awakened by a ski-masked, rape intending intruder thrusting a pillow over my face. Unsuccessful in suffocating me, he plunged a knife into the base of my heart. I have been told my chances of survival were not good. I am here today to tell you without awareness that any student, at any college, their chances are not very good...without H.B. #3344, ie. AWARENESS.

I now know other girls, like me, were attacked while sleeping in their beds. Before my attack, I was unaware.

I also now know the volume of theft and other crime around campuses. Before my attack, I was unaware.

The conduct, attitudes, and alertness of students must change if the crime is going to be stopped. These factors attract the crime to the campus. Unawareness is what makes them easy unsuspecting prey. With H.B. #3344, many students and their parents will be spared the agony that most of this bill's motivated proponents have experienced. We have a right to know. We are defenseless if we do not know.

Mr. **Poshard**. Thank you very much for your excellent testimony. I'll be brief in my questioning here. I'd just like to maybe direct my question to Mr. Clery and Ms. Nieswand.

Has the legal litigation in which you entered against the two respective universities made any difference in your judgment about the universities taking this problem more seriously?

Mr. **Clery**. We hope so. We found out a lot of disturbing things through discovery by going that process. Lehigh University, as a result of the settlement, is spending a major amount of money on putting a new security system in the freshman dormitories.

It is called an electric card locking service where the doors cannot be propped; the secondary doors have automatic alarms on them. The police now patrol the dormitories and fraternies.

So as a result of our litigation, security at Lehigh is, I hope, a lot better.

Mr. **Poshard**. Ms. Nieswand

Ms. **Nieswand**. I wish I could say the same about Cornell. As far as we know, through our findings, the same conditions exist today that existed in 1983, where a man can enter a dormitory room unchallenged and not questioned.

Mr. **Poshard**. So some changes have not been made?

Ms. **Nieswand**. As far as we know, not.

Mr. **Clery**. Mr. Chairman, regarding Cornell University, just a few months ago a Cornell University student and an Ithaca college student, both underage, were drinking and got drunk, and the Cornell student was beaten to death.

So, this is the third murder of a student at Cornell University, and they seem to ignore everything that goes on including the many suicides they have there each year.

Mr. **Poshard**. Ms. Eaton-Pollard, if I may ask you a quick question. These universities that have been mentioned here today are substantial universities, major universities, well-endowed: Syracuse, Lehigh, Cornell, Georgia.

Surely you must have correspondence with people who are undertaking the same kinds of missions that you are at your university from across the country. Is this problem equally severe in the smaller colleges across the country, or the universities, in your judgment?

Ms. **Eaton-Pollard**. In New Hampshire, I live about 20 minutes from the University of New Hampshire, and I know that the problem there is just as severe as at Syracuse. Syracuse is a big school, and because of our basketball and other things that happen on the campus, I think media tends to focus on the larger universities.

So, in that respect, the smaller universities don't get the media attention, and I think that one of the most motivating factors in Syracuse, then, is all the media focused on—the attention and the hot seat that Chancellor Agers has been on in the past couple of months.

I think if some attention was focused to the smaller universities, and they realized they couldn't hide behind that, then they would be more motivated. The factor here is we need something to motivate these universities.

On the campus of Syracuse, I feel like I almost have single-handily motivated the administration to twist their arm to get them to establish the recommendations.

When I was part of the Task Force, we submitted a whole report of five recommendations we thought hit this problem from every angle, and when the Chancellor first released his press statement on what he felt of this report, he totally watered it down, thinking that we would go away. Obviously, we haven't.

Mr. Poshard. I think it is commendable, unfortunate at times that the impetus for change here has to come from students or parents, as opposed to the university itself, but, unfortunately, sometimes that's where the impetus has to come from.

Mr. Coleman. Thank you. I have been a member of Congress for 14 years, and have sat through hundreds of hearings, and this one has made probably the biggest impression on me. I commend all of you. I'm especially proud of these two young ladies sitting here.

Mr. and Mrs. Clery, you have an organization that you founded—I wonder why we haven't really heard about that organization. Could you give us some information about it, and what your goals are and what you're doing?

Mr. Clery. Yes. Shortly after the criminal trial was over, and our litigation with Lehigh University was completed, we established Security on Campus, Inc., and it was designed—it's an nonprofit organization which we fund ourselves.

It was designed really initially to increase awareness in the United States as to the violent nature of our college campuses, and that the best kept secret in the United States, including the Pentagon, is the amount of campus crime.

Since that time, this is becoming less and less evident. We spent the first year talking to the media about what happened to Jeanne, and what we were hearing from victims around the country that campus crime was rising.

We developed a questionnaire at the request of callers on some of the media shows. They said, "What questions should we ask when we apply to a college or university?," and we sent out about 20,000 of those in the first year, and they are pretty tough hard-hitting questions.

It was very interesting. We heard back from hundreds of them that when they asked Notre Dame University, Princeton University, Columbia, Holy Cross University, Lehigh, of course, and Barnard and Columbia University, and Smith, the answer was, "Why are you concerned about security on campus? Is it because you're away from home for the first time? If you're that unsteady,"—this is the admissions office speaking of those universities—"why don't you consider living at home and going to a community college."

And Connie, to her everlasting credit, heard that and decided that she felt the only answer was to get a crime awareness security information act started in Pennsylvania and it has led also to Representative Goodling's proposal.

Mr. Coleman. I think it is something that obviously the more information is out about it in hearings like this, the more helpful it will be to generate an understanding and reaction that people are having to forge like these young ladies themselves on their own campuses, taking upon them, I'm sure, tremendous pressures and burdens and time that could be devoted to what they're supposed to be doing in college, in doing these types of things.

I can imagine the time that is spent on it and the emotional involvement. A lot of people, frankly, don't know about it, and I think when parents and students get mad enough or upset enough or determined enough, that things like this begin to turn around, not necessarily by government fiat, and not necessarily by anything, even as good as this bill is, as a sponsor of it, and we certainly hope it passes, but I think it's an attitudinal thing, much like the attitude of this nation had about drinking and driving, which was the fodder for late night television monologues for years.

Every stand-up comedian had a story about the drunk out driving around. We don't hear those stories anymore because it's socially unacceptable. It's not something that people do anymore to get public comment in a positive fashion, and that started out because of one or two people, parents, mothers, who lost their children to this unfortunate situation.

That has, I think, changed the whole attitude in this nation around. It has developed into legislation by state by state basis. It has developed into Federal legislation on some appropriation bills and so forth in the past, but the real reason all of that happened was because of people like you on that issue that came forward and devoted themselves to try and increase the awareness and changing people's viewpoints on this.

So, I want to encourage all of you to continue to do this. I would hope, and if you had funds, or assistance, to go to campuses and tell your story. Kristin and Dana, I know especially, hearing it from other students, and going to another campus, I think it will make a little bit different impression on maybe the people on your own campuses even, to let people know, and to take this crusade as far as you can.

You parents, continue on in trying to make something positive out of these very, very unfortunate tragedies that have struck you.

Again, I thank all of you.

Ms. **Clery**. May I introduce some of the—excuse me—first of all, I'm Connie Clery, and I would like to have you know that I support H.R. 3344, and I thank Mr. Goodling from the bottom of my heart, and for all of the wonderful victims who were so courageous here, I would like very much the opportunity to introduce them.

The first ones are Tom and Margaret Bayer from Kentucky. Their son was stabbed to death at the University of Tennessee in Knoxville, and they were instrumental in having the law passed in Tennessee, which was the base for Senator Gore's bill, S. 1930.

I am very proud of that because I think it shows that this is a bipartisan issue. When a person on a college campus is murdered, stabbed, assaulted, raped, sodomized, they're not first asked if they're a Democrat or a Republican. It makes no difference, and the people all over this country have supported us, written us, asked us for help, not because of political partisanship.

I would also like to introduce Ms. Janelle Riley, whose husband, Jack, unfortunately was not able to come, but Janelle and Jack are from California, and their daughter was murdered at Saddleback Community College, and they were instrumental in getting the legislation introduced in California, and we're very proud of their courage.

I would also like to introduce Dr. and Mrs. Wilfred Mencken from New York, who are the ones responsible for our daughter, Jeanne, not going to Tulane, because we had just heard that their daughter had been so brutally raped and murdered at Tulane. So, our Jeanne went to where we thought it would be safer.

I would also like to emphasize that, yes, Mr. Poshard, you are right. This is an attitudinal problem. It is a problem that has to be addressed by the colleges, as well as the students, because they have to care about students and they have to give them this information.

Without this information, the students will not be forewarned in order to forearm themselves against the crimes around them, and I want to impress upon you that it doesn't cost any money. This is a copy of the University of Washington's newspaper bulletin and they don't even have a bill in the State of Washington.

It costs nothing, and it describes all of the crimes from 1982 through 1989, and on the police briefs, they say—Chief Shanahan said that he attributes the decrease in their campus crimes in the last two years to the reporting of their crime statistics in making their student body aware.

Thank you so much for hearing us, and I would appreciate your support of this bill. You would be saving lives all through the country, and it could be of someone you know or love.

Mr. POSHARD. Thank you, Ms. Clery, and thank you for introducing the members of the audience to us also who are here. Again, I would express the sorrow of the committee at your tragedies, and also our admiration at your courage for being here today.

Mr. Hayes.

Mr. HAYES. Thank you, Mr. Chairman. I am remaining here obviously because of my non-partisan interest in this piece of legislation. I think it goes beyond party politics, as Ms. Clery has said, and I want to express my sympathy certainly for the loss of a loved one as a result of this kind of crime on the college campus, but let me hasten to say that it's not limited to college campuses, even in the high school level.

Ms. CLERY. That's true.

Mr. HAYES. We have what I called increased growth in crime in the corridors of high schools. In fact, in my particular district, I think there are some high schools where we have active police who police the corridors in order to keep high school crime numbers down.

It's not just a question of race. I think it is one of attitude, not of partisan, as you've said, and I really support this kind of legislation that's being advanced by my good colleague down there, Bill Goodling.

I think it is a real step in the right direction to get the Federal Government involved in helping to tackle this problem. I'm shocked to hear the lackadaisical attitude on the part of some of the college administrators in really dealing with this problem.

I know they've all suffered from the shortage of funds, as I notice increase in tuition and things that students have to pay. It's because of the increase in cost of trying to provide education for our kids at the postsecondary level.

I think we have to really establish our priorities sometimes as to how we spend our tax dollars, and I think certainly the question of security has to be considered part of that reason for spending that kind of money, but overall, we don't spend enough money on education.

There is a decline in the number of economically disadvantaged students who even have the opportunity to go to college, particularly from my district, and I can't be unmindful of this. We've got less and less numbers of enrollments of minority students in many of our universities.

This, I think, we have to be very conscious of and it's not all because of the kind of attitudes that prevail on the campuses. It's because they'd like to go, but they can't go, and sometimes you get kids just hung up on drugs, and alcohol, and they sometimes don't know what they're doing.

Sometimes I think they shouldn't be admitted to these kinds of institutions if there's closer surveillance of what they are admitting to some of these schools and what the attitudes and objective towards some of the kids who enter them.

To rob a kid and kill a kid who is going to school, or rape a young lady is just hideous. I don't care what the conviction is. It doesn't bring that loved one back who's lost, that one who has been abused by one who is prevalent in providing crime, and I just feel so sorry for you.

I just wanted to express that, and God knows, I'm supportive of this legislation. I'm really willing to go further, Bill Goodling, if possible, in order to make some really effective approach on the part of the Federal Government to solve this problem.

Mr. Poshard. Thank you, Mr. Hayes. Mr. Goodling.

Mr. Goodling. Thank you, Mr. Chairman. I'm not going to ask any questions. I do just want to thank all of you for having the courage to come and testify. We can introduce legislation and a lot of people will say it's something else the Federal Government is doing where they have no business. There's really no problem out there.

Unless you come and present those problems from personal experience, of course, we can't accomplish very much on the Federal level. So, again, I thank all of you for coming, and not only those that were introduced, but I think there are probably others in the audience who were either victims or had loved ones who were victims.

So we thank you very much. You add authenticity to what it is we're trying to say in this legislation, and we appreciate your coming to Washington.

Thank you.

Mr. Poshard. Thank you, panel, for being here, and, again, thank you for your courage.

Our final panel is Father William J. Byron, president of the Catholic University of America, Washington, D.C., and Dr. Mary-Linda S. Merriam, president of Wilson College, Chambersburg, Pennsylvania.

Father Byron, you are first on our list here, so we'll begin with you, sir. I know you've been waiting a while.

STATEMENTS OF FATHER WILLIAM J. BYRON, S.J., PRESIDENT, THE CATHOLIC UNIVERSITY OF AMERICA, WASHINGTON, DC; AND DR. MARY-LINDA S. MERRIAM, PRESIDENT, WILSON COLLEGE, CHAMBERSBURG, PENNSYLVANIA

Rev. **Byron**. Thank you, Mr. Chairman. In addition to being president of the Catholic University of America, I also serve on the board of directors and chair the Government Relations Commission for the National Association of Independent Colleges and Universities, although I'll be speaking about my individual campus because I understand that the committee wanted some testimony from specific campuses.

The Catholic University of America is, as most of you here know, is an urban campus in the northeast quadrant of the District of Columbia. We have 3,200 undergraduate students, the majority of those students live on campus and we have 3,800 graduate and professional students, most of whom who do not live on campus.

I'm going to collapse this very much. I know the entire testimony can be entered into the record. I'd simply want to say that we spend a great deal of time at orientation, not just with students, but with parents, on the crime prevention issue.

Our student handbook is replete with safety and security information. Students who serve as Resident Assistants or Advisors get intensive training, and throughout the academic year, throughout the year, crime-prevention sessions are held in dormitories.

I can speak with some authority on that because I myself live in a student dormitory. I'm on that campus 24 hours a day, 12 months a years, with a few weeks off here and there. Our campus is patrolled 24 hours a day. We have an escort service that's available to students after dark.

We have free shuttle bus service from any point on the campus to any other point on the campus available to the students after dark. We ticket people who do foolish things. If an automobile is left unopened, if a door is propped, we give internal—they called them courtesy crime prevention reminders, but they're tickets.

We also confront persons who are suspicious who come on the campus, and in their presence, write a ticket which is given to them, and told that they will be arrested next time on campus for unlawful entry, if there's any reason to suspect that they could be there with intentions that could be harmful.

I will leave for the record the latest report, the 1989 Annual Report of our Department of Public Safety, which gives the policies and the statistical data which we typically share with the local law enforcement officials.

I'd simply close with a couple of suggestions. One is that enhanced training programs for institutions with private or, as we would say on our campus, special police. Funding for such programs is now available only to state and municipal schools. It's not available to independent colleges.

We would like to see an expansion of the Department of Education residence hall construction funding to pay for what we would call "security retrofitting" of existing residence halls; include technical assistance on security issues when funding new residence hall construction into the design phase.

I'd also ask that there be created funding programs analogous to the "energy conservation" funds that are now available. I would call for "safety conservation" funds. They could help pay for costly capital items such as upgraded security communications systems, back-up emergency power supplies, and the like.

I, as each of the members of the panel, am moved by the testimony that you heard. I speak for myself, but I know I can also speak for those of us who are charged with the responsibility of running these campuses.

I've been in the business for a long time. I was president of the University of Scranton in Pennsylvania before coming here. I even lived among students there.

I'm with them; we're concerned, and we are supportive of any efforts that can be taken to heighten the awareness of students, the awareness of students and their parents, because as has been said by other people in the earlier panels, they do think they are invincible, they do foolish things, and we have to keep reminding them that that kind of foolish behavior can lead to tragedy.

Thank you very much, Mr. Chairman.

[The prepared statement of Father William J. Byron, S.J. follows:]

TESTIMONY TO:

SUBCOMMITTEE ON POSTSECONDARY EDUCATION
COMMITTEE ON EDUCATION AND LABOR
U.S. HOUSE OF REPRESENTATIVES

MARCH 14, 1990

PRESENTED BY:

REV. WILLIAM J. BYRON, S.J., PRESIDENT
THE CATHOLIC UNIVERSITY OF AMERICA

Mr. Chairman and members of the Subcommittee:

My name is William Byron; I am president of The Catholic University of America, and chair of the Government Relations Committee of the National Association of Independent Colleges and Universities. I appreciate the opportunity to testify before you today on H.R. 3344, the Crime Awareness and Campus Security Act of 1989.

Mr. Chairman, colleges and universities across the country are deeply concerned about crime on campus. We have, of course, an obligation to protect the members of our campus community, but we must also allow an appropriate amount of freedom and expect a commensurate amount of responsibility from the members of that community.

We try to protect our students as well as society can protect its citizens; in fact, we try to set a higher standard of protection on our campuses than society itself does. Perhaps that is why society has come to expect so much more from us. The presumption is that the campus should be safer than the community that surrounds it. We cannot do it alone, however; the burden must be shared with the surrounding community, with local law enforcement officials, but more important than anything else, with students and their parents.

Parents, teachers, and all others who have an impact on young people's lives must work to encourage good behavior on the part of students by teaching them the proper values early in life. We try to instill in our students the realization that we all have a stake in the well-being of the people who make up our communities, and that all persons and all property must be respected and protected.

As Robert Atwell of ACE said earlier in this hearing, we have been working hard on college campuses to improve security measures, to educate students and employees about how they can help to prevent crimes, and to implement procedures that an institution follows when a crime actually occurs.

The Catholic University of America is an urban campus in the Northeast section of the District of Columbia. CUA has 3200 undergraduate students (more than half reside on campus) and 3800 graduate and professional students (very few of whom live on campus). Let me share with you some of the things that CUA is doing to ensure the protection of its students and employees.

In 1978-79, we spent $444,000 for security. In 1988-89, our expenditures for security amounted to $1,150,000. Our security budget tripled over the decade.

> The orientation program for incoming students includes a required session on security presented by our Director of Public Safety. The topic: "Personal and Property Safety." Printed information about security is inserted into the new student orientation folders. During orientation, a special session on campus security is conducted for parents of our new students. All new employees receive crime-prevention information.

> Our Student Handbook is replete with safety and security information.

> Students who serve as Resident Assistants or Resident Directors receive intensive security and safety training.

> Throughout the academic year, crime-prevention sessions are conducted in all residence halls.

> Each newly hired security officer receives a one-week indoctrination program. Two-week in-service training is provided later in the first year for all new security employees. There is yearly in-service training for all security officers in CPR Certification and PR-24 (baton) Certification.

> Our campus is patrolled 24 hours a day.

> Escort service is provided on campus after dark.

> Free shuttle bus service to all points on campus is provided after dark.

> Security surveys are conducted for buildings and grounds with special emphasis on doors and windows, electric alarms and access control systems, landscaping, lighting, and security procedures.

> Security violation letters are sent to the building administrators and department heads when doors and windows are found open by patrol officers.

> Courtesy Crime Prevention Reminders are left also at the location of the violation by the patrol officers. Courtesy Crime Prevention Reminders are issued for property left unattended; doors/rooms left open and unoccupied; articles left in sight, unattended in vehicles; and persons walking alone in isolated areas after dark.

> Crime alerts are sent throughout the year to faculty, staff, students, administrators, department heads, and Campus Watch Captains. The Crime Alert information puts the campus community on notice of an existing situation, thereby giving them an edge on possibly safeguarding their areas and property.

> Stop Cards are issued to suspicious persons who are challenged while on campus and required to show proof of identity. In that person's presence, the card is filled out by our security officer. It notifies the person that the campus is private property and that a reappearance on campus will lead to an arrest for unlawful entry. This type of procedure is an effective crime prevention measure. It reduces the possibility of individuals in the campus community becoming victims of crimes associated with trespassers.

As you can see, Mr. Chairman, we at The Catholic University of America are providing our students with information about crime on campus, and about security practices and procedures. We are already doing what H.R. 3344 would require us to do. I suspect my colleagues in other institutions across the country are doing the same, not because it is required, but because the welfare of the members of our campus communities is foremost in our minds and hearts. Permit me to submit for the record our Department of Safety's 1989 Annual Report so that the Subcommittee may see the comprehensive statistical evidence of the remarkable security program now operating at The Catholic University of America.

Additional Congressional help for preventing campus crime would include:

> Expand access to National Criminal Information Center (NCIC) data for the many independent colleges and universities which do not now have access.

> Enhanced training programs for institutions with private or (as at CUA) "special police." Funding for such programs is now only available to state and municipal schools.

> Expand Department of Education residence hall construction funding to pay for "security retrofitting" of existing residence halls; include technical assistance on security issues when funding new residence hall construction.

> Create funding programs analogous to "energy conservation" funds now available. These "safety conservation" funds could help pay for costly capital items such as upgraded security communications systems, back-up emergency power supplies, and the like.

Thank you again for the opportunity to testify; I would be happy to respond to any questions you may have.

Mr. **Poshard**. Thank you, Father. Dr. Merriam.

Dr. **Merriam**. Thank you, Mr. Chairman. My name is Mary-Linda Merriam and I am the president of Wilson College. I would like to pay particular tribute to the distinguished congressman from Pennsylvania, Mr. Goodling, for championing this legislation.

I have been president of Wilson College for nine years. In addition to that, I have served and am finishing a second term on the Executive Committee of the Pennsylvania Association of Colleges and Universities and have chaired the subcommittee on their Governmental Relations Commission, and have just completed a term on the American Council of Education's Governmental Relations Commission.

So, I have been very well aware of the legislation that has been going forward both on the state and on the Federal level. I appreciate the opportunity of being here today.

Wilson College is a small, liberal arts college for women. It has in residence 144 students, a total of 175 in our college for women, and then another 616 part-time students. We are located in Chambersburg, Pennsylvania, which is a borough of about 17,000 within Franklin County, which has about 112,000. So we are distinctly a semi-rural campus as opposed to Catholic University.

I think that what has been said today is so very true, that it was not so very long ago that we did have the sense, all of us, that within colleges and universities within our public transportation systems, in our high schools, in our secondary and elementary schools that, in fact, if you were there, you were safe.

The regrettable situation is that that is simply no longer the truth. What's happened to us? Well, there's no question that we're a reflection of the larger society, indeed, an integral part of that society.

At one time you were on the Wilson College campus, every person you saw, you could greet by name. That is simply no longer the case. In addition to our part-time students, and our resident students, we had in excess last year of 8,000 visitors on campus at one time or another.

The reality is that there are many faces that are not recognizable, and, yet, we are a community, and yet we have responsibility, for our safety and health and concern, and that responsibility while spearheaded by the administration, I would echo what has been said by everyone on the panel, and that is, and all of the panels, that the responsibility is a shared one, that the administration certainly must spearhead and be very cognizant of the things that must be done in order to help encourage safety and concern, and make that a concern of everybody within the community.

As I look at Wilson, I would say that as a result of the Pennsylvania legislation, and it's not so much that the initiatives that we're doing now are different from before that legislation, because I don't believe that they are, what is different and what has happened, and I can certainly speak particularly at Wilson, is that it is a heightened awareness on campus, that this is an issue and it is a problem.

Therefore, we must be sure that every student, as well as every staff and every faculty member, understands what the problem is and takes responsibility.

Within the last three years, some of our initiatives have been upgrading our outside lighting, trimming our shrubbery at a different level than we used to in order to eliminate dark spots, improving centralized parking, securing windows with new locking devices throughout our campus, upgrading our radio communications system, providing transportation after dark on campus to campus buildings that are not very close to the central part of the campus.

Currently, we are replacing 22 outside doors to the buildings, including all of the doors on our older campus dormitory buildings. We employ, for 144 residential students, six full-time officers, and one part-time officer.

The sad reality, though, is that even with these things being done, and I'm sure there is more to be done, we cannot tell you that we can guarantee security 100 percent of the time for every person; we cannot.

What we can do, and what we must do is, again, as has been said, encourage awareness, make sure that everybody realizes that the responsibility they have is not only for themselves, but for their sisters and their brothers on campus.

We are very fortunate at Wilson College because we have had few crimes, and even our Chambersburg has had few crimes, but we are certainly not immune, and we must act with vigilance, and we must act with care.

I thank you for the opportunity of being here. I would also enter into the record a copy of our crime statistics to show you the reporting form in compliance with the Pennsylvania Act and also our handbook, which we have compiled on safety and security on campus, which we pass out to every student and every employee, and run workshops, and attempt to take what measures are possible to bring this information to everyone's attention.

Thank you.

[The prepared statement of Dr. Mary-Linda S. Merriam follows:]

TESTIMONY TO:

SUBCOMMITTEE ON POSTSECONDARY EDUCATION
COMMITTEE ON EDUCATION AND LABOR
U.S. HOUSE OF REPRESENTATIVES

MARCH 14, 1990

PRESENTED BY:

MARY-LINDA MERRIAM, PRESIDENT
WILSON COLLEGE

Mr. Chairman and Members of the Subcommittee:

My name is Mary-Linda Merriam and I am the President of Wilson College. I have been honored to have been in that position for nine years. I am completing my second term as a member of the Executive Committee of the Pennsylvania Association of Colleges and Universities and serve as the Chairman of the Subcommittee on Governmental Relations. I have just recently completed a four-year term on the Governmental Relations Commission of the American Council on Education. I very much appreciate the opportunity to appear before you today.

Wilson College is a small, liberal arts college for women affiliated with the Presbyterian Church (U.S.A.). It was founded in 1869 and is located in Chambersburg, Pennsylvania, a borough of approximately 17,000 residents located in the heart of the Cumberland Valley in the south central portion of the state. We are in Franklin County whose population is approximately 112,000 and adjacent to Adams County, population, 12,000. We would be classified as semi-rural, surrounded by the richness of apple and peach-growing country. The nearest metropolitan area is Harrisburg, fifty miles to the north.

Wilson College and Chambersburg, PA have been very blessed with a reasonably low rate of crime. We have not been completely immune, however, and in this last decade we have had more crime than in the past. My mother, who will be attending her 60th reunion at Wilson College this June, has often told me that when she was a student, you literally could take your pocketbook and all of your precious possessions and place them in the middle of the college green. They would be there, intact, when you returned. Frankly, I wouldn't recommend that course of action today.

The College was founded on the principle that honor and trust were best taught in a community that trusted its members to live with integrity and with the good of the entire community in mind. I think it is fair to say that at Wilson there is a sense of responsibility each has for the other but living under the Honor Principle has changed, however, over the years. Laws passed by the federal and state governments require that well-defined policies be in place. Colleges like ours, which were once in more ways than one, isolated enclaves of learning governed largely by internal rules are no longer isolated or enclaves separated from the real world. With the students we work to integrate what our original Honor Principle and college government association set as standards for behavior, with rules and regulations aimed at helping to make our world a safer place in which to live.

It was not that many years ago that each of us felt a high degree of security in public schools, churches, colleges, in groups, on public transportation. There was an expectation that in certain places you would be safe. Just the other day a friend and I were talking. She said that her daughter had returned home from high school and in relating the events of the day said that one of the boys in her class was found to have a gun loaded with six bullets tucked away in his backpack! That may have happened when I was that tender age in the late 1950's, but I have no such recollection. Chambersburg is still a relatively safe place in comparison, but even in Chambersburg, PA, you must be vigilant.

What has happened to us? Today's colleges and universities are not worlds unto themselves. We are a reflection of larger society - indeed, an integral part of that society. Of course, there are many differences depending on size and location. Our campuses are shared by students, faculty and staff but we also have visitors - last year, for instance, at Wilson we had approximately 8,000 to campus for one reason or another. We have residential students and many adult part-time students. The reality is that there are many faces on campus that are not recognizable, whereas, in earlier times you could walk across the campus and greet everyone by name. In addition, our students come from a variety of backgrounds where vastly different value systems often conflict.

There is not homogeneity and there is not a high metal fence around the campus with limited ingress and egress.

At Wilson College - as at all of our sister and brother institutions - health, welfare and safety are everyone's concern. That concern is most certainly spearheaded by the administration, but it must be shared in order to be effective. At Wilson the budget for security in 1978 was $26,449; in 1988, it was $139,000 - better than a five-fold increase. I can personally testify that when we make hard budget decisions at the college or hard policy decisions, the first question we ask ourselves is how does that decision affect the health and safety of our students. Over the years that I have been at the college we have taken a number of steps in light of the knowledge that the times were changing and we could no longer feel "set aside" from any possibilities of crime. Within the last three years, some of our initiatives have been that: we upgraded outside lighting to eliminate dark spots; we trimmed shrubbery and trees above and below eye level to improve visibility across campus; we added two parking lots to centralize parking for students and visitors; we secured windows with new locking devices throughout the campus; we upgraded our radio communication system; we provide transportation after dark to campus buildings that are not in the main area of the campus; and we are currently in the process of replacing twenty-two (22) outside doors. We employ six full-time officers and one part-time officer on our security staff and we have 144 residential students.

Several years ago I was on a Blue Ribbon Committee to study ways of improving life in our town. When we learned that there were some drug-related activities in and about our area, I became nervous about our 125-acre farm and erected gates at all but one entrance to the campus. These gates are closed at midnight and thus we have better control of the people entering and leaving the campus. We are concerned! I am certainly concerned!

But the sad reality is that I do not believe that there is any way to insure one hundred percent security. Each one of us has to take responsibility. The passing of Act 73 in Pennsylvania, I believe, did not cause us to do that many things that we weren't doing before. It did, however, focus every person's attention on a problem of concern to each. As a result of the Act, Wilson College does now print a handbook and parents of prospective students do occasionally ask for it. We are fortunate in that our statistics are favorable. We have few serious crimes - but we are not immune from the possibility. We take more care to talk with students about the possible dangers. We encourage them to walk in pairs at night. Recently 911 was added to our phone system and we have labeled every phone on campus with a sticker that instructs a person on how to contact security after hours in case of an emergency.

Students must take responsibility also. The cannot prop doors open or take other such risks. Part of helping them NOT to do this is through continual education without bordering on scaring them too much or crying wolf too often. They must know that our campuses are a part of the world - not set apart and that they must act with vigilance and with care. We all must act with vigilance and care. I thank you again for granting me this opportunity to speak with you.

Mr. **Poshard**. Thank you, Doctor. Let's say that from a semirural campus to a urban campus, it sounds as if you both are doing all you can to make students aware of the statistics on your individual campuses.

Do you find your physical presence on the campus, Father, to be helpful in regard to this issue? The campus policemen take their job more seriously, for instance, when you are around?

Rev. **Byron**. I'm around and I see—you know, it's just I constantly bump into people and questions that come up, and if there's something that is just dumb, and occasionally you'll see dumb things, like a propped door, you point it out, and everybody becomes aware of it.

Then, you talk to people, and, of course, you know here in Washington, we're suffering from problems that are off-campus, but the projection that's out around the country that this is the murder capitol of the world, and the other difficulties that we have to deal with, you talk to students and you tell them very plainly that if you steer clear of the use, the trafficking in or anything to do with drugs, and if you don't go out alone at night, you've got a virtual guarantee that you're not going to be a victim of that kind of crime.

But if you want to start fooling around in that kind of activity, you're asking for it. But you can have those kind of conversations in an informal setting, and that's something quite different than a memorandum going out from the president's office.

Mr. **Poshard**. Mr. Coleman.

Mr. **Coleman**. I obviously commend you and your institutions for the positive steps that you're taking, but I think notwithstanding that, it's my understanding that we invited a number of college presidents here today, and part of the problem is they declined to come.

They declined to come, I would imagine, because it is not good public relations. I would imagine I am still disheartened to hear some of these institutions where these acts occurred that were told to us by the previous panel, that they seem to have an hardened attitude or this denial thing going on.

Heads are nodding out here in the audience, the victim's families, and the young people themselves, how they have had to fight the administration.

I hope that you two as being the two here before us today will take back to your associations and the presidents of your associations and various institutions that this is their responsibility not to duck, and not that it's all their fault or anything, but it's their responsibility that you have met—let's assume that you have met it—that all higher education is going to have to meet.

This business about, "I don't want to talk about it because it gives us a bad image," I would imagine the image is a lot worse, in my mind, about Cornell, and about Tulane, and about Syracuse because they have denied it, than it would be if they had come forward and tried to help these people today.

So, just a little word to take back to your colleges.

Mr. **Poshard**. Thank you, Mr. Coleman. Mr. Goodling.

Mr. **Goodling**. Thank you, Mr. Chairman. We specifically wanted to have colleges and universities represented to get their response in relationship to the legislation that's introduced and how they feel it would effect them.

I must say, as my colleague, Mr. Coleman, said, I was very disappointed when some of those who were invited declined to appear. I think they would be sending a far better message to those who are on campus if they had appeared because the students would have again been reminded that these problems do happen, and they would be more conscious of that possibility.

I specifically want to ask you both, does this legislation—we were told, for instance, by some of the urban universities and colleges that this would be terrible legislation for them, and that it's picking on them, zeroing in on them, et cetera.

Do either of you find this legislation too onerous for you to carry out as leaders on your campus?

Dr. **Merriam**. I would certainly say that particularly with some of the suggestions that have been made, that I would certainly be very much in support of the legislation.

Mr. **Goodling**. Thank you.

Rev. **Byron**. I'd say it's not onerous. We're doing everything that the legislation would call for already with the one exception that we don't file with the FBI, but we file it with the local law enforcement jurisdiction, and you might consider that in a sense, that's perhaps strategically a better way to go because it's in cooperation with the local law enforcement jurisdiction that you're going to be more effective in crime prevention or crime reduction, and certainly in the pursuit of perpetrators.

We've a very close relationship with not only the metropolitan police in Washington, but also the transit police because we have a Metro stop there, and, Mr. Goodling, it was pointed out to me that Tulane has agreed to submit testimony for the record.

As you know, it is often impossible on relatively short notice to be here personally. I have no idea what the problem was there, but I was told they will submit testimony.

Mr. **Goodling**. I thank you for those comments. We think that filing both places is very, very important.

Rev. **Byron**. I guess the question that would concern all of us, and has been raised before, would be the definitional catagories and the Uniform Reporting.

We would be very happy to work with you through the associations or individually, and with your staff as you work these definitional problems out. If it's consistent, I don't think anybody is going to resist.

Mr. **Goodling**. We want to work those out. We've been trying to work very closely with the colleges and universities, because we feel that it's extremely important to have on the Federal level also all the statistics and not only have them, publish them, so that the news does get out, and that's why I think the dual approach is probably very good, and we'll work very closely to make sure that everything is meaningful because the legislation is worthless if it really doesn't do something to improve the situations on the college campuses throughout this country.

Thank you for testifying.

Dr. **Merriam**. Thank you, sir.

Mr. **Goodling**. I might add that Dr. Merriam is a constituent of my colleague next door, Mr. Shuster, since she's just over my line, and gets into Franklin County.

Mr. **Poshard**. Well, redistricting is only a year away, Mr. Goodling.

[Laughter.]

Mr. **Poshard**. Thank you, Mr. Goodling, and you're to be congratulated for bringing forth what obviously is a very useful bill, and we thank all of you again for appearing before our committee today and for your useful testimony.

Thank you very much.

Dr. **Merriam**. Thank you.

[Whereupon, at 12:35 p.m., the subcommittee was adjourned].

[Additional material submitted for the record follows.]

SEXUAL ASSAULT ON CAMPUS:

What Colleges Can Do.

Aileen Adams and Gail Abarbanel

August, 1988

Published by the
Rape Treatment Center
Santa Monica Hospital Medical Center
1225 Fifteenth Street
Santa Monica, California 90404

SUMMARY

This report describes programs and policies that will enable colleges and universities to reduce the incidence of sexual assaults on their campuses and respond effectively to the victims of these crimes.

In a recent survey of over 6,000 students from 32 colleges across the country, one out of every six female students reported being a victim of rape or attempted rape during the preceding year. One out of every fifteen male students in the survey reported committing rape or attempting to commit rape during that same period. Thus, it is evident that rape and other forms of sexual assault pose a major threat to college students.

When these incidents occur on college campuses, the crime is referred to as "campus rape." Although some of the assaults are committed by strangers, the majority are perpetrated by someone the victim knows, often a fellow student. These non-stranger crimes are called "acquaintance rapes."

One of the most tragic outcomes of sexual assaults on campus is that most victims do not seek the help they need from family, friends, or authorities. A national survey of college students found that 90 percent of the victims never reported their assaults to the police. Silent victims suffer profound and long-lasting changes in their lives—they are affected psychologically, socially, academically, and developmentally. Moreover, because most colleges are not really prepared to help the victims who do have the courage to come forward, these people are often revictimized by the system to which they turned for aid and understanding.

Today, as more and more cases of campus rape are being reported. colleges are recognizing the critical need to develop policies and programs that will be responsive to this crime and its victims. There

are many compelling reasons for initiating programs to deal with the rising epidemic of sexual assaults on campus. Students have difficulty learning in an environment where they feel unsafe. More important, without new policies, many students will not come forward to receive the help they need to recover from the profound trauma of sexual assaults; most assailants will not be brought to justice; and the number of campus rapes will continue to escalate.

This report provides colleges with crucial information about campus rape. It presents examples of recent sexual assaults that have occurred on college campuses across the country. It describes the impact of these crimes on the victims. It documents the prevalence and incidence of rape and the underreporting of this crime to law enforcement authorities. It also discusses the growing legal responsibility and potential liability of colleges in sexual assault cases, as well as the programs that some schools have implemented to respond to this crisis.

The report concludes with a set of recommendations regarding specific policies, programs, and procedures that can be implemented to mount an effective campaign against sexual assaults on campus. These recommendations are summarized below:

- Develop and send to every student a written policy condemning rape and other sexual assaults and emphasizing that these crimes will not be tolerated on campus. The policy statement should focus on acquaintance rape, which is particularly prevalent.
- Revise the code of student conduct to specifically prohibit rape and other sexual assaults on campus.
- Include certain victims' rights in student codes, such as the right to have someone accompany the victim throughout the disciplinary process; the right not to have irrelevant past sexual history discussed; and the right to deliver a victim impact statement or suggest an appropriate penalty if the accused rapist is found to have violated the code of student conduct.

- Establish an immediate hearing procedure or informal method to modify living arrangements in cases where the victim and the accused live in the same dormitory or housing complex.
- Institute comprehensive campuswide educational programs on sexual assault to inform students, faculty, and staff of its frequency and to teach prevention strategies. This information should be distributed at student orientation and faculty meetings, as well as through course material, pamphlets, college newspaper articles, and special college-sponsored programs for dormitories, sororities, fraternities, and campus athletic organizations.
- Establish an effective program to assist the victims of sexual assaults. The program should include:
    1. Written protocols describing exactly how college staff should respond to these cases.
    2. Immediate medical treatment.
    3. Referral to free, trained therapists.
    4. The services of a campus-sponsored Victim Advocate.
    5. A brochure informing victims about sexual assaults and available options.
    6. Extensive training for all college personnel who might interact with sexual assault victims.
    7. Procedures for coordination with local police agencies in responding to assaults.
- Adopt procedures that will encourage victims to report sexual assaults to college staff and facilitate the gathering of crucial information about these assaults.

- Disseminate detailed information regarding campus crimes so that students, faculty, and staff will know how and when sexual assaults are likely to occur and can be prepared to take appropriate preventive steps.
- Implement security measures that will reduce the likelihood of sexual assaults, such as increased lighting, safe landscaping patterns, effective dormitory security devices, self-locking doors on residents' rooms, and evening escort services.
- Establish a task force of students, faculty, and staff that will be responsible for reviewing crimes on campus, implementing ways to prevent dangerous situations, and providing appropriate care for victims.

These recommendations are inexpensive, yet effective. Their implementation can yield major benefits by providing a far safer environment for students, faculty, and staff; diminishing the growing risk of civil liability faced by educational institutions in campus sexual assault cases; and ensuring that those victimized once by an assailant will not be victimized a second time by an unresponsive or insensitive system.

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Statement by
Eamon M. Kelly, President of Tulane University
To be Submitted for the Record
Subcommittee on Postsecondary Education
March 14, 1990

Mr. Chairman:

Thank you for the opportunity to make a statement about security on our college campuses. The issue is important, complex, and one which sometimes lends itself to misinterpretation. We are an urban, residential campus at Tulane. We are committed to providing the best security possible to our 11,000 students, including advising the half of our student body who lives off-campus about selecting and securing an apartment. We rely on education, prevention, reporting and counseling as the main weapons in our anti-crime arsenal. They are effective ones: the campus is virtually free of violent crime, and is the safest area in the city. I'd like to outline for you, if I may, some of the specific things we do for our students.

EDUCATION:

-- During orientation, security staff discuss crime and crime prevention with our new students. They talk about specific incidents that have happened in the past, pass out material about our crime prevention programs, and offer suggestions on how not to be a victim. We also sponsor a question-and-answer program for parents as part of orientation.

-- One Tulane staffer's primary duty is crime prevention through education. She makes frequent visits to the residence halls to share crime prevention tips with residents.

-- Since many of our students choose to live off-campus after their freshman year, we offer a program on how to find a safe apartment, including a handout with step-by-step guides on what to look for -- security locks on the doors, clear view of entrances not blocked by landscaping, etc. Our crime prevention officer also offers educational programs for off-campus students.

-- We have a continuing, high-profile program to encourage people to report all incidents and suspicious activity. Efforts have included "Report It to Stop It" stickers on all telephones, and a popular poster of the university president as bicycle thief, designed specifically to get community members to pay attention to the description of suspicious persons.

PREVENTION:

-- The security office is well-staffed with professional officers. There are 33 full-time commissioned officers, or 3.5 per thousand students. All commissioned officers are academy-trained and meet the requirements of the Louisiana Peace Officer Standards of Training.

-- Security also employs about 100 students as student marshals, acting as additional eyes and ears for us. They are equipped with two-way radios for instant communication.

-- Patrol on campus is primarily by foot, rather than vehicular, thus giving our officers greater visibility, more interaction with members of the Tulane community, and a better grasp of what's happening on campus.

-- Our security office sponsors a personal escort service, available by request.

-- We also have a shuttle service to help ensure safety at night.

-- The campus is well-lit, with lighting checked at least once a week. We also have emergency telephones prominently located; they are checked twice a week. Any problems with building hardware or landscaping are reported daily.

-- Every year, faculty, staff and students receive a campus walk-about map, which highlights the locations of our emergency phones and recommends preferred routes of travel about campus.

-- When new construction projects are slated, the security office has an opportunity to review the plans and offer suggestions about building security, alarms, lighting and landscaping.

-- Our security officers work closely with the New Orleans Police Department, to discuss incidents occurring off-campus but in close proximity to our perimeters and to look at issues of mutual concern.

REPORTING AND COUNSELING:

-- All major offenses which occur on campus are reported to local law enforcement authorities, after victims have given their consent.

-- Our reporting shows us that, in 85 percent of our burglary/larceny cases, a student left an area or a property unsecured. Most of our vandalism cases come from freshman students in our residence halls.

-- A copy of each written incident report is sent to appropriate administrative officials, and a report of incidents occurring on campus is compiled each month and sent to the president, senior administrators, and the student media.

-- We offer victim assistance programs through our security department and through other volunteer support groups on campus.

For a campus like ours, however, the legislation under discussion presents some possible problems.

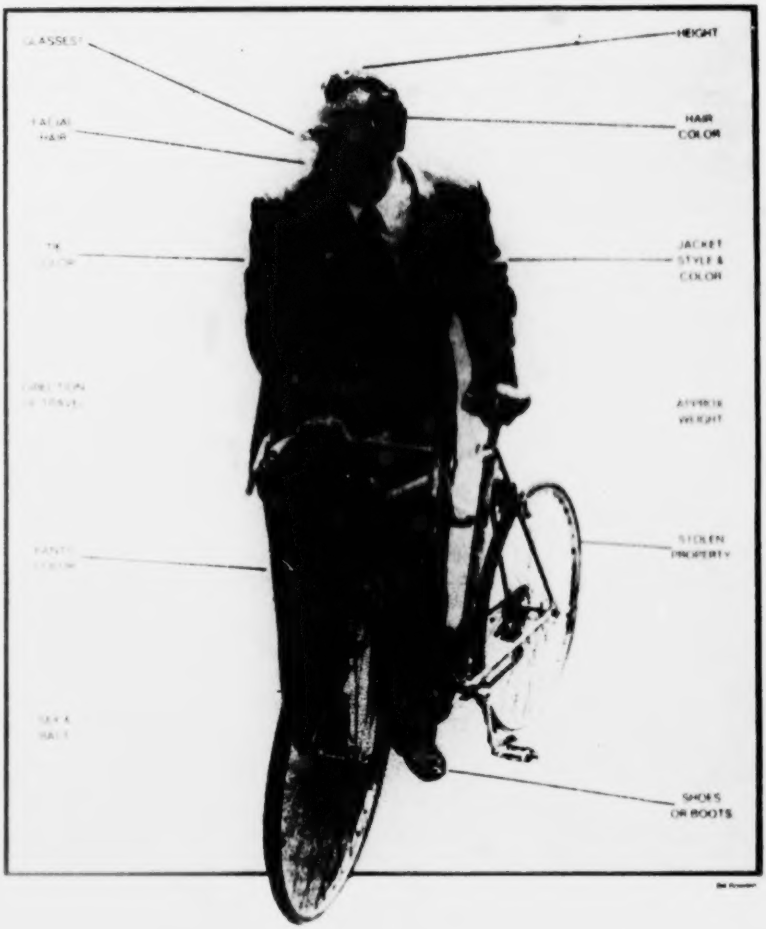
1) It could lead to duplication of incident reporting, since all major crimes are already reported to law enforcement.

2) Currently, our reporting system is client-based, catering to our students. One student, for example, reported a burglary from a residence hall room. When our officers investigated, two ounces of hand lotion turned out to be missing -- but it is on our campus reports. To change our system to match the Uniform Crime Report format, we would have to make drastic changes that would make our security department less "user-friendly."

Thank you for your consideration and for the opportunity to bring this material before you. We would be happy to work with you and with representatives of other universities to share our experience and our programs.

IF HE WAS A POSSIBLE WRONG—DOER,

Could you describe this man?


GLASSES?
FACIAL HAIR
TIE COLOR
DIRECTION OF TRAVEL
PANTS COLOR
SEX & RACE
HEIGHT
HAIR COLOR
JACKET STYLE & COLOR
APPROX. WEIGHT
STOLEN PROPERTY
SHOES OR BOOTS

Accurately reporting a crime helps prevent another one.

Tulane
CAMPUS POLICE

Emergencies
x5200 or x6777

Routine
x5381

PREPARED STATEMENT
OF
FRANK CARRINGTON
COUNSEL, SECURITY ON CAMPUS, INC.
GULPH MILLS, PA
IN SUPPORT OF
HR 3344
THE CRIME AWARENESS AND CAMPUS
SECURITY ACT OF 1989
(MR. GOODLING)
BEFORE THE
EDUCATION AND LABOR COMMITTEE
SUBCOMMITTEE ON POSTSECONDARY EDUCATION
(MR. WILLIAMS, CHAIRMAN)
UNITED STATES HOUSE OF REPRESENTATIVES
WASHINGTON, D.C.

WEDNESDAY, MARCH 14, 1990

Mr. Chairman: My name is Frank Carrington, I reside at 4530 Oceanfront Avenue, Virginia Beach, VA 23451, (804) 422-2692. I am an attorney at law. I present this Statement in my capacity as Legal Counsel for Security on Campus, Inc., 618 Shoemaker Road (#105), Gulph Mills, PA 19406, (215) 768-9330.

Briefly, by way of background, I received a Bachelor of Laws degree from the University of Michigan (1960), and a Master of Laws degree (in Criminal Law) from Northwestern University (1970). I am a member of the Bars of the Supreme Court of the United States, and the States of Virginia, Illinois, Colorado and Ohio (the latter three being "Out-of state, Inactive" memberships).

My practice is confined to legal issues involving the rights and needs of victims of crime. I also serve as the Executive Director of the Victims Assistance Legal Organization, Inc. (VALOR), Virginia Beach, VA. and I am Legal Consultant to the National Victim Center, Fort Worth, TX.

I have served as a member of the President of the United States' Task Force on Victims of Crime (1982), the Attorney General of the United States' Task Force on Violent Crime (1981); Member, then Vice Chairman, Advisory Board, National Institute of Justice, United States Justice Department (1982-84), and as Member, Vice Chairperson, and Chairperson of the Victims Committee of the American Bar Association (1976-current).

My books on victims legal issues include: The Victims, New Rochelle, Arlington House (1975); School Crime and Violence: Victims' Rights, Malibu, CA, Pepperdine University Press (1986) (co-author with James Rapp and George Nicholson); and, *Victims' Rights: Law and Litigation*, New York, Matthew Bender Company (1989), (co-author with James Rapp).

Mr. Chairman, the purpose of this Statement is to supplement the testimony of my clients and close friends, Howard and Connie Clery, the founders of Security on Campus, Inc., who will be speaking before this Honorable Subcommittee today in support of H.R. 3344. From them you will hear of the tragic, preventable rape, torture and murder of their daughter, Jeanne, in her dormitory room at Lehigh University in April of 1986; of the subsequent conviction and capital sentence imposed on Jeanne's slayer, a fellow student at Lehigh; of their lawsuit against Lehigh University for *inter alia*, failure of security on the campus and failure to warn students of foreseeable criminal activity, which lawsuit resulted in a settlement with Lehigh University; and, finally, of the founding of Security on Campus, Inc. I will not reiterate their story. Their own testimony will speak for itself. In order to place my statement in perspective, I attach, as *Exhibit #1* to this Statement, a copy of an article: "After Their Daughter Is Murdered at College, Her Grieving Parents Mount a Crusade for Campus Safety," by Ken Gross and Andrea Fine, *People Weekly*, February 19, 1990, which describes the Clery's ordeal and subsequent crusade.

This Statement will deal with the legal and policy issues that underlie the Clerys' initiatives on behalf of campus safety: 1) the instant legislation, H.R. 3344; 2) the necessity for such legislation; 3) how the bill's "awareness" provisions are critical to the enhancement of campus safety and security; 4) arguments that have been advanced for and against this type of legislation and our response thereto; 5) the current status of litigation being brought against colleges and universities and its impact on campus safety and security in the context of H.R. 3344.

The legislation under consideration, H.R. 3344, the Crime Awareness and Campus Security Act of 1989, was introduced by Congressman William F. Goodling (R.-PA) on September 26th, 1989. H.R. 3344 is similar in language and intent to Act 73, the College and University Security Information Act, introduced by Pennsylvania State Representative Richard T. McClatchy, passed unanimously by both houses of that State's Legislature, and signed into law by Governor Robert P. Casey on May 26, 1988. Similar legislation has passed in Florida, Tennessee and Louisiana and has been introduced in some form in at least 13 other states.

Mr. Goodling, in remarks in the Congressional Record,[1] stated that he had introduced H.R. 3344 at the request of Howard and Connie Clery, and that: "Their goal, as is the goal of the bill that I am introducing, is to prevent the recurrence of such avoidable tragedies [as Jeanne Clery's death].[2] He pointed out the need for awareness on the part of college students and employees of the incidence of crime and violence on their campuses and noted the current lack of crime and campus security information:

> We know that 80 percent of campus crimes are committed by a student against another student, and that 95 percent of violent crimes are alcohol or drug related. Unfortunately, no comprehensive data on campus crimes are available. Less than 4 percent of

> our institutions of higher education voluntarily provide campus crime statistics through the FBI's Uniform Crime Report-352 out of roughly 8,000 institutions participating in Federal financial aid programs.[3]

H.R. 3344 requires institutions of higher education, as a precondition to receiving federal funding, to prepare, publish and distribute to all current students and employees, and, upon request, to applicants for enrollment or employment, an annual report on statistics for the past three years of the incidence of campus crimes (with heavy emphasis on violent crimes and drug and alcohol abuse), and on campus security policies. Campus crime statistics must also be reported to the FBI's Uniform Crime Reports.[4]

Senator Arlen Specter (R. PA) has introduced S. 1925, identical to H.R. 3344 in the Senate, and Senator Albert Gore (D. TN) has introduced S. 1930 of similar import. This is indicative of the bipartisan nature of the instant legislation.

H.R. 3344 also has a bearing on the Bush Administration's Drug Free Campus initiatives. It is undisputed that about 90 to 95 percent of violent campus crimes are drug and alcohol related. Because the bill requires reporting of statistics and establishment of policies with regard to drug and alcohol abuse it will give the National Office on Drug Control Policy a statistical picture or arrests and convictions for drug and alcohol abuse violations which will be useful in evaluating the effectiveness of drug and alcohol control policies at colleges and universities.

The Clerys were invited to the White House on September 5, 1989, for a special briefing, by the President and Mr. Bennett, for a group of persons who were concerned with various aspects of the drug problem. A special White House Briefing for Security on Campus, its members, supporters and victims (or survivors) of campus crime is scheduled for later this Spring.

Mr. Chairman, the instant legislation, H.R. 3344 is vitally necessary for the protection of students and others legitimately on the premises and in the environs of our colleges and universities. This is, indeed, the central premise of the "findings" of the Congress in Section 2 of H.R. 3344: "The Congress finds that--(1) the reported incidence of crime on some college campuses has steadily risen in recent years, particularly violent crimes:".

This is borne out by recent studies and compilations of crime and security data. Since, as was noted in Mr. Goodling's introductory remarks to H.R. 3344 in the Congressional Record, less than 4 percent of our colleges and universities voluntarily provide campus crime data to the authorities and their students, information about the incidence of crime and drug and alcohol abuse in institutions of higher learning must be collected from other sources. Fortunately, such sources exist and they present a startling picture.

On October 4, 5, and 6th, 1988, USA Today published a comprehensive, long-overdue series, "Crime on Campus"[5] which chronicles and analyzes the current escalation of violent criminal offenses committed against what is rapidly becoming a new subclass of victims: students, and others, at our colleges and universities. The series' conclusion: "The sad truth is serious crime is rampant."[6]

Data for this series--"never before available even to the FBI"--[7] was collected through an exhaustive program of nationwide interviews with students, security officers, campus administrators, faculty and others knowledgeable about the problem. It documents a dramatic rise in campus violence which puts to rest the long-cherished notion that colleges and universities are somehow cloistered enclaves, sanctuaries far removed from the threat of crime that haunts all the rest of us.

The U S A Today statistics are appalling. Violent crimes on campuses during 1987 increased by 5 percent over the previous years. There were:

- at least 31 homicides
- more than 1800 armed robberies
- 13,000-plus physical assaults
- and 600 reported rapes. (The general consensus among criminal justice statisticians is that only one rape in ten is reported to the authorities, which would bring the true figure for that crime into the neighborhood of 6,000.)[8]

In addition, U S A Today reported that there were 22,170 burglaries and 144,717 thefts.[9] The burglary numbers have their own significance for Connie and Howard Clery; their daughter was murdered in her dormitory room by a burglar who killed her because she might be able to recognize him. Interestingly, U S A Today notes that ratios of crime statistics vary little among campuses in cities, suburbs or small towns.[10]

In January of 1990, the Center for the Study and Prevention of Campus Violence at Towson State University, Towson, Maryland reported the results of an extremely comprehensive study, just completed, on the relationship between campus crime and alcohol and drug abuse. Two thousand college students, nationwide, were interviewed. Regarding campus crime generally 36 percent of the respondents (over one in three) reported that they had been a victim sometime during their university experience.[11] The Report notes that, for the 3-year period 1986, 1987, 1988, 80 percent of all campus violence was perpetrated by students.[12]

Focusing on sexual assault alone, a study published in April of 1987 in the Journal of Consulting and Clinical Psychology reported that of 3,187 college women surveyed, 28 percent had been victims of rape or attempted rape since age 14, many of which involved the use of drugs or alcohol by the perpetrator to lower the victims' resistance.[13]

These are but a few examples of the undeniable fact that college and university campuses are increasingly dangerous places for people to be. Equally undeniable is the fact that college students who are unaware of the danger of criminal harm on a given campus are, by definition, more vulnerable than those who are aware and able to take self-protective measures.

This point is explicitly recognized in the "findings" of H.R. 3344: "The Congress finds that--(5) students and employees of institutions of higher education should be aware of the occurrence of crime on campus and policies and procedures to prevent crime or to report occurrences of crime."

Mr. Chairman, my clients, Howard and Connie Clery, did not embark on their crusade to prevent recurrences of Jeanne's tragic death with a motivation to cause unnecessary paper work or expense to college and university administrations. They are doing what they are doing in order to save lives and to reduce where possible student victimization at the hands of violent criminals. Their rationale is straight-forward: "Forewarned is forearmed."

Connie Clery expressed this when interviewed by the Washington Post, in April of 1988, about the campus security initiatives that she and Howard were spearheading. In the resultant article, "Crime on the Campus: How Safe are Students?", written while the Clery's lawsuit against Lehigh University was still pending, the interviewer, Ms. Debbie Goldberg, wrote about a mother's reflection on her daughter's death:

> Jeanne Clery's murderer got into her dormitory because several entry doors were propped open with tissues, and her own room door was unlocked, Connie Clery said. But she holds Lehigh accountable for her daughter's death, saying the university didn't warn students about potential danger and didn't try to alleviate the known problem of propped doors.
>
> "If the students are not forewarned, how can they be forearmed?" Connie Clery asks. Jeanne and her roommate, she said, "felt they were in a very idyllic situation. If they knew that there was a dangerous person on campus, or dangerous incidents, I think they would have taken care [to lock their door]."[14]

Two of the nations foremost experts on campus security have echoed the Clery's contention that awareness of danger is the cornerstone of campus safety and security. Both are former Presidents of campus security's professional association the International Association of Campus Law Enforcement Administrators (IACLEA).

Asa Boynton, Director of Public Safety of the University of Georgia phrased the issue succinctly in the U S A Today series

"Crime on Campus," noted above: "How is the student going to avoid the rapist if she doesn't know the rapist is out there?"[15]

Mr. Arnold Trujillo, Director of Security at the University of Colorado was President of IACLEA while *U S A Today* was preparing the "Crime on Campus" series. In an in depth interview he was asked about the crime awareness factor:

> U S A Today: Pennsylvania passed a reporting law that will take effect in November. Do you think it is a good law?
>
> TRUJILLO: Yes, it is because it states that it will address the crime trend on a particular campus. It will also alert the campus community as to what occurred on their campus the last year, and hopefully *it will educate people that they should take precautions when they arrive on campus*.
>
> U S A Today: Would you support a federal law to require colleges to disclose crime statistics?
>
> TRUJILLO: I would support it, and I think most of my colleagues would also support it. It would assist us in reporting what is actually happening on college campuses, *and it would enhance the crime-prevention movement on our campuses*. (Emphasis supplied.)[16]

The suggestion that there is a correlation between awareness of danger and prevention of victimization is borne out in practice. As one example, consider the University of Washington at Seattle. An annual report on crime statistics is published in the student newspaper *The Daily of the University of Washington*. The report lists all crimes for the past *eight years*. It deals with the crime picture forthrightly, expressing satisfaction that felonies against the person decreased, while reporting factually on two homicides (the first in eight years) caused by an illegal alien. The report is simple and was probably printed at little or no cost to the university.

The University of Washington Police Department goes further, however, and publishes Student Follies, A Campus Newletter Concerning Crimes and Crime Prevention on Campus. This publication reported to the students that, in 1989, violent crimes (murder, rape, robbery and aggravated assault) decreased by over 50 percent, and "...much of the credit goes to the community's increased awareness of crime." Copies of these two Reports are attached hereto as Exhibit #2.

In addition to the pure common sense embodied in the "Forewarned is forearmed" rationale, we submit that the experience of the University of Washington--crime awareness equals crime prevention--which can and should, be duplicated on thousands of college campuses nationwide, is the clearest and most significant evidence of the absolute necessity for the passage of H.R. 3344.

Further on the "forewarned" issue, H.R. 3344 contains another provision of extreme importance. This is in Sec. 3 (e)(2):

> Each institution participating in any program under this title shall make interim reports on crimes described in paragraph (1)(E) that are reported to campus security or local law enforcement authorities. Such reports shall be distributed through appropriate publications and media to students and employees in a manner that is timely and that will aid in the prevention of similar occurrences.

This provision takes the awareness concept once step further. Annual reporting will give students a much-needed overall picture of campus crime and forearms them to take the necessary general precautions for their own protection (e.g. avoiding certain areas at night, travelling with others, using escort services, locking doors, etc.). The interim reports deal with specific areas of danger which may arise from time to time and which are reported to campus security. This very reasonable requirement simply calls for supplemental forewarning as it becomes necessary.

A case decided by the Supreme Court of California in 1984 demonstrates the importance of interim warnings. Peterson v. San Francisco Community College District, 685 P.2d 1193 (Cal. 1984). The court stated the facts:

> On April 25, 1978, plaintiff, a student at City College of San Francisco, was assaulted while ascending a stairway in the school's parking lot. An unidentified male jumped from behind "unreasonably thick and untrimmed foliage and trees" which adjoined the stairway and attempted to rape her. The assailant used a modus operandi which was similar to that used in previous attacks on the same stairway.
>
> The defendants were aware that other assaults of a similar nature had occurred in that area and had taken steps to protect students who used the parking lot and stairway. Plaintiff relied upon this increased protection.
>
> Plaintiff had been issued a parking permit by the college in return for a fee. Defendants did not publicize the prior incidents or in any way warn the plaintiff that she was in danger of being attacked in that area of campus. Plaintiff sustained physical and emotional injuries and economic loss as a result of the assault.

The court, in a unanimous decision, held that the Community College District could be held liable for failure to warn of dangerous conditions. The language in which that holding was couched is instructive for all involved: potential campus crime victims, administrators and, in the instant case, for legislators considering questions of campus security and security personnel,

The essence of the courts holding is that:

> In the closed environment of a school campus where students pay tuition and other fees in exchange for using the facilities, where they spend a significant portion of their time and may in fact live, they can reasonably expect that the premises will be free from physical defects and that school authorities will also exercise reasonable care to keep the campus free from conditions which increase the risk of crime.
>
> * * *
>
> Plaintiff was lawfully on the campus and was attacked in broad daylight in a place where school officials knew she and others as well as the assailant might be. Further, the warnings sought here would not result in preventing the students from using the campus or its facilities, only in alerting them to unknown dangers and encouraging them to exercise more caution.
>
> An examination of the policies discussed in Rowland v. Christian, supra, 69 Cal.2d 108, 70 Cal. Rptr. 97, 443 P.2d 561, and other cases compels the conclusion that the defendants did in fact owe the plaintiff a duty of care. First, the allegations, if proved, suggest that harm to the plaintiff was clearly foreseeable. In light of the alleged prior similar incidents in the same area, the defendants were on notice that any woman who might use the stairs or the parking lot would be a potential target. Secondly, it is undisputed that plaintiff suffered injury. Third, given that the defendants were in control of the premises and that they were aware of the prior assaults, it is clear that failure to apprise students of those incidents, to trim the foliage, or to take other protective measures closely connects the defendants' conduct with plaintiff's injury. These factors, if established, also indicate that there is moral blame attached to the defendants' failure to take steps to avert the foreseeable harm. Imposing a duty under these circumstances also furthers the policy of preventing future harm. Finally, the duty here does not place an intolerable burden on the defendants. (Emphasis supplied.)[18]

This statement, from one of the most prestigious courts in the country, precisely sums up the points we have made above with regard to the "awareness" principle. It also raises another major issue in the debate over campus safety and crime information legislation, one of particular importance to college administrators: legislative requirements that students be warned of dangerous conditions on campus, if complied with, can materially assist in avoiding the kind of liability that was mandated in the Peterson case.

The court's emphasis on the fact that the defendant college failed to warn of known dangers, which caused liability, carries with it an explicit correlary that, if the campus authorities had warned the student body of the prior crimes in the area, and of the consequent danger in that parking lot, there is the greatest likelihood that no liability would have been found to exist.

Assume that H.R. 3344 had been in effect during the time that the events in the Peterson case transpired. Assume further that the college authorities, complying with the interim report provision quoted above, had made timely warning to the student body"... distributed through appropriate publications and media to students and employees..." As a victims' rights attorney, I submit that the California Supreme Court (and, by implication, other courts) would have ruled precisely the opposite to the way it did in Peterson, and would not have held the Community College liable. I can envision the court saying something to this effect: "This was a dangerous area; the college knew it was a dangerous area; the law required the college to take reasonable steps to warn students and employees; the college did warn students and employees; what more could we demand that the campus officials do?"; No liability.

Generally speaking, the law holds that when persons and institutions are required by law to take steps for the protection of a certain class of persons and such steps are, in fact, taken in reasonable good faith, then those required to so act will not be held liable if someone in the protected class is injured despite the precautions taken. Thus, requirements such as the "interim reports" in H.R. 3344 can serve as guidelines not only for the prevention of student victimization, but also, significantly from the viewpoint of campus administrators, as guidelines for the prevention of liability. (A subsequent section of this Statement will discuss in more detail the issue of college and university liability for failure to protect and failure to warn in the context of legislation such as H.R. 3344.

Mr. Chairman, as counsel to the Clerys, I have worked with them for the past two years in their efforts to secure passage by the Congress and the legislatures of the Several States of the kind of crime awareness and campus security legislation that is embodied in H.R. 3344. During that period we have advanced a number of reasons in favor of such legislation, and we have been confronted with a number of objections, or a least questions, that have arisen over the same legislation. I will briefly summarize our position and our response to objections and questions.

Our position that this legislation has the potential to save lives and protect the safety of students across the country has been developed above and needs no further elaboration. Other benefits of H.R. 3344-type legislation include:

1. Reporting will force college administrators to come to grips with the problem of campus crime, and drug and alcohol abuse. This is important because in any situation it is necessary for responsible parties to recognize that there is a problem before anything constructive can be done about it.

2. Security policy and crime statistics reporting requirements will assist schools in their long-range planning of ways and means to deal with campus violence. They will also be of assistance with regard to the making of informed judgments about the effectiveness of on-going campus security programs and procedures.

3. Reporting by all schools (receiving federal assistance) will create a nationwide uniformity of statistical knowledge about campus crime, as opposed to the current system wherein some schools report while the majority do not.

4. Reporting crime statistics and security can create a bond among college administrators and the students. For example, colleges in Pennsylvania, where the first "Clery law" was passed, have devised and disseminated brochures for distribution, per the Pennsylvania Act, that present not only the raw statistics of campus crime, but, in addition, excellent explanations of security policies and procedures. These brochures describe how maximum efforts are being made to ensure safety and solicit the cooperation of all on the campus to work for the common goal of security and safety. We submit that these initiatives on the part of the

colleges can only impress the students with the sincerity of the administraions' efforts and engender a desire on the students' part to respond in kind.

A copy of one exemplary brochure, published by the Thomas Jefferson University of Philadelphia, PA, (together with a transmittal letter to the Clerys from Dr. Lewis W. Bluemle, Jr., President of Thomas Jefferson University), is attached as Exhibit #3.

The most common objections to H.R. 3344-type legislation, and our responses to them, are as follows:

1. The Cost of Assembling and Distributing Crime Statistics and Campus Security Policy Information Will Be Prohibitive.

Response: First, any campus whose security agency or department is not already collecting statistical information in the form of daily logs (or similar records) does not have a "security system" at all. Most, if not all, campus security departments keep such records, and it does not create an enormous financial burden to tabulate the information for reporting purposes.

Second, evidence so far does not indicate that disproportionate costs will necessarily accompany the requirements of H.R. 3344 and similar legislation.

Dr. Lewis W. Bluemle, JR., President of Thomas Jefferson College in Philadelphia, whose campus security brochure is attached hereto as Exhibit #3 wrote to the Clerys about the cost of the brochure:

> The cost for publishing this document was approximately $8,500 which included printing 15,000 copies, photographs, typesetting, and design. Other institutions could approximate their individual costs based on their population.

When it is considered that we are measuring dollars and cents costs against the possibility, even probability, of death or great bodily injury of students, this does not appear to be a prohibitive amount. This is particularly true when the cost is also compared to the amounts now being spent for schools' self-promotional materials: catalogues, handbooks, schedules, brochures, and so on.

2. Crime Statistics are Misleading Because There Is a Tendency to Compare Schools and Statistics Do Not Lend Themselves to Comparison.

Response: Statistics in a vacuum may not lend themselves to comparisons; however, the objection presupposes that parents, prospective students and other interested parties will make invidious comparisons based on statistics alone without seeking further information. This is highly unlikely. Anyone who has sufficient intelligence to be accepted by a college (or to be able to afford to send a child to college) will almost assuredly have enough common sense to request clarification of any questions based on statistical data. Indeed, Lehigh University, in complying with the Pennsylvania Act's provision requiring colleges to furnish crime statistics to prospective students on request, replies to each person so requesting with a form letter explaining that: "Raw data, such as those provided in the UCR, need to be viewed in perspective." The letter then goes on to explain how, in

Lehigh's opinion, such data should be viewed. A copy of Lehigh University's form letter is attached hereto as Exhibit #4.

When the concept of H.R. 3344-type legislation first appeared on the academic scene, there were fears that the reporting of raw statistics would "scare off" some students. This apparently has not come to pass. A New York Times article, "Drive for Data on Campus Crime Is Pressed," appearing in November of 1989, describes the Pennsylvania law and concludes:

> What does seem to be clear in interviews with campus officials in Pennsylvania is that the legislation has not frightened off prospective students, which was feared.[19]

Finally, the fact that 80 percent of violent campus crimes are committed by students themselves would lead to a "levelling off" of statistical crime rates, by college, that might otherwise be misleading.

3. Reporting Raw Crime Statistics to the FBI or State Authorities Is All That Should Be Required of Colleges and Universities.

Response: This is basically an objection to requirements for publishing and disseminating crime statistics and campus security policies to current and prospective students and employees. A campus security representative from a state university in Maryland testified that his school reported to the FBI Uniform Crime Reports and that students could thus look up crime information for themselves.

This defeats the entire purpose of the legislation and its prevention-through-awareness effect. H.R. 3344 and similar legislation is premised on the fact that schools have a duty to furnish sufficient information about crime and security so that students and others can take appropriate self-protective action. Students should not be required to go and 'research' their own safety.

4. It Is Unfair To Require Schools To Publish "Negative Information" About Themselves.

Response: In our consumer-oriented society "full disclosure" has become the rule rather than the exception. There is hardly another type of institution or business in the country that is not required to publish or furnish information about potentially unsafe conditions, hazardous locations and equipment, etc. Labelling has reached a point where hazards and side-effects of many products must be prominently displayed on packages. As was noted above, colleges and universities are no longer protected "sanctuaries." Crime has come to the campus with a vengeance, and its dangers should be reported to its "consumers" just as elsewhere.

Additionally, attention is directed to Exhibit #3 appended to this Statement, the campus security brochures of a Pennsylvania university. These brochures are not in the least "negative." They legitimately emphasize the protective steps being taken by their security departments, solicit students' cooperation in maintaining secure campuses, and overall present a very positive image.

5. Requirements of H.R. 3344-type Legislation Will Increase The Numbers of Lawsuits Against Colleges and Universities and Will Be Grounds For Increased Liability.

Response: College and university administrators and their legal counsel are gravely concerned about lawsuits against their schools and they have every reason to be. The 1984 California Supreme Court case, Peterson v. San Francisco Community College District, noted above, is only one example of successful litigation against postsecondary schools for failure to warn, or for some other aspect of failure to prevent crime and to protect students.

U S A Today's "Crime on Campus" series cited fears expressed by officials of and legal counsel for the American Counsel on Education:

> Colleges have a "duty to warn" students about the dangers on their campuses and it could be expensive if they fail, says Sheldon Steinbach, lawyers for the American Council on Education.
>
> Courts have issued "a pretty clear legal mandate," he says, that colleges must inform students about campus crime and where it is likely to happen.
>
> "There is a concurrent responsiblity on students to exercise reasonable care for the own protection," says ACE's Steinbach.
>
> * * *
>
> ACE President Robert Atwell says some "very scary cases" have held college officials liable for attacks on uninformed students. In a letter to college presidents, Atwell says the most important development in those cases is "the concept of a duty to warn."[20]

Lawsuits of this kind are increasing in number and in the size of awards. Security on Campus, Inc., founded by Connie and Howard Clery after their daughter's murder, maintains the only database in the country devoted specifically and exclusively to litigation by victims of campus violence, drug and alcohol abuse, or other criminal injury related to college and university life. The database project, which is kept current on a weekly basis, consults with roughly 25 campus crime victims, and their lawyers per month. Case law and other information from the database is made available to anyone with a legitimate interest in campus safety and security.[21]

In recent years, state supreme and appellate courts, and federal courts have found colleges and universities liable for: failure to warn (California)[22]; failure to supervise (Arizona[23]; Florida[24]); failure of security in housing (New York)[25]; failure of security on campus grounds (Massachsetts [26]; Michigan[27]; Ohio[28]); alcohol related offenses (Pennsylvania [29]; New Mexico[30]), and employment-related cases (Louisiana[31]). Trial court cases which are not appealed or which are settled before trial (like the Clery's case), are, of course, far more numerous than cases such as those noted above, which have reached the appellate courts level.[32]

Thus, colleges and universities have good reason to be worried about civil liability; however, the assumption that the enactment of H.R. 3344-type legislation would suddenly lead to a deluge of lawsuits and increased grounds for liability is without foundation. Indeed, as noted above, crime awareness and campus security legislation may even assist in the prevention of liability by: 1) making administrators and security officials more aware of the fact that crime prevention and liability prevention go hand in hand; 2) making students and others on campus more aware of danger so that they can protect themselves; and, 3) in instances such as the "interim reports of danger" requirements, or the mandating of drug, alcohol, and weapons abuse policies, giving the campus officials specific guidelines which, if followed in good faith, would constitute a defense to allegations of failure to warn or failure to provide security.

Reporting requirements can cause an increase in potential only if: 1) such requirements are wilfully ignored; 2) security is promised, per the requirements, with no intention of following through on such promises; 3) defendants engage in cover-ups or attempt to conceal their own misdoing. In all other instances liability will be determined whether or not the officials were operating under a statutory mandate such as H.R. 3344.

Consider this in the context of the Peterson case described above. The college was found liable failing to warn the sexual assault victim of the dangers in that particular parking lot. Liability was based on common law negligence principles: 1) a duty to warn, 2) a breach of that duty, 3) which proximately caused the injury. If a H.R. 3344-type statute had been in effect liability might have been based on the same common law negligence principles, or on the breach of a statute, or both; but the fact that there was a statute would not have created liability in a situation where there would have been no liability without the statute.

Note also that the interim reports section of H.R. 3344 requires that prior violations must have been reported to security officials before the requirement becomes operative. Continuing with the Peterson example, hopefully such reporting to security would have triggered a warning to the students who would then have stayed away from that particular area (or travelled with others while in the area) so that the injury and consequent liability in the Peterson case need not have occurred.

Perhaps it is worth stating one more time that the bedrock purpose of H.R. 3344 is to prevent victimization through awareness of danger wherever and whenever possible. This will, by definition, prevent civil liability (and the unfavorable and unwanted publicity such as was generated by the Clery case) which will make the jobs of campus administrators and security officials, and their legal counsel and defense attorneys all that much easier.

Mr. Chairman, On behalf of my clients and myself, I respectfully urge the passage of H.R. 3344.

Respectfully submitted,

Frank Carrington
Attorney at Law
Counsel for Security on Campus

Notes: Statement of Frank Carrington, Attorney at Law, in Support of H.R. 3344, March 14, 1990.

1. *Congressional Record-House*, H 5903. (September 26, 1989).
2. *id.*, at 5904.
3. *id.*
4. *id.*
5. Pat OrdoVensky, "Crime on Campus: Schools Fail Safety Test; *U S A Today* Surveys 698 Schools," *U S A Today*, October 4, 5, and 6th, 1988, p. 6A (Hereafter "Crime on Campus."
6. *id.*
7. *id.*
8. "Crime on Campus," October 5, 1988, p. 7A.
9. "Crime on Campus," October 4, 1988, p. 1A.
10. *id.*
11. Summary, *The Links Among Drugs, Alcohol and Campus Crime: A Research Report*, The Towson State University Center for the Study and Prevention of Campus Violence, Fourth National Conference on Campus Crime, Towson, MD, January 10, 1990, p. 2.
12. *id.*, at p. 9.
13. Malcolm Ritter, "28% of college women said to face rape attempt," Associated Press, *Norfolk Virginian Pilot*, April 23, 1987, p. A12.
14. Debbie Goldberg, "Crime on the Campus: How Safe are Students?", *Washington Post Education Review*, April 10, 1988, p. 14.
15. "Crime on Campus," October 4, 1988, p. 6A.
16. "Crime on Campus," October 6, 1988, p. 11A.
17. 685 P.2d, at 1195.
18. 685 P.2d, at 1201.
19. Deirdre Carmody, "Trying to Make Campuses Civil (and Safe) Again," *New York Times*, November 22, 1989, p. B.10.
20. "Crime on Campus," October 4, 1988, p. 6B.

21. Contact: Frank Carrington, Attorney at Law, 4530 Oceanfront, Virginia Beach, VA 23451 (804) 422-2692.

22. Peterson v. San Francisco Community College District, 685 P.2d 1193 (Cal. 1984).

23. Jesik v. Maricopa County Community College District, 611 P.2d 547 (Ariz. 1980).

24. NOVA University v. Wagner, 491 So.2d 1116 (Fla. 1986).

25. Miller v. State of New York, 466 N.E.2d 493 (New York, 1984); Nieswand v. Cornell University, 692 F. Supp. 1464 (N.D.N.Y. 1988).

26. Mullins v. Pine Manor College, 449 N.E.2d 331 (Mass. 1983).

27. Tucker v. Sandlin, 337 N.W. 2d 637 (Mich. App. 1983).

28. Ziss v. Cuyahoga College Community College District, 486 N.E.2d 752 (Ohio App. 1983).

29. Alumni Association of Delta Zeta Chapter of Lambda Chi Alpha v. Sullivan, 535 A.2d 1095 (Pa. 1987).

30. Karbel v. Francis, 709 P.2d 190 (N.M. Ct. App. 1985).

31. Raybol v. Louisiana State University, 520 So.2d 724 (La. 1988).

32. See generally, re. trial court cases: Kara Swisher, "Lawsuits Increase as Campus Attacks Do," Washington Post, February 24, 1990, p. 1, col. 1.

At home in Jeanne's old room, the Clerys sit amid her possessions, including the Snoopy doll that was with her when she died.

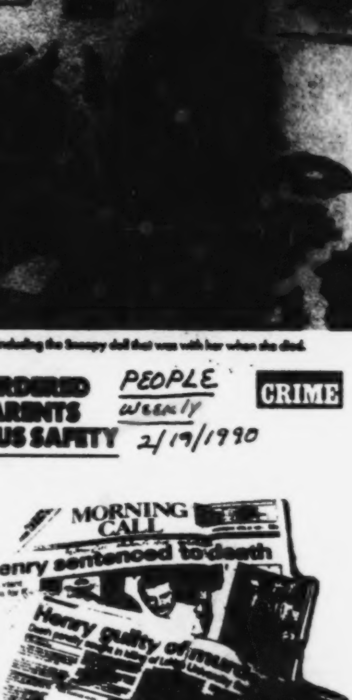
AFTER THEIR DAUGHTER IS MURDERED AT COLLEGE, HER GRIEVING PARENTS MOUNT A CRUSADE FOR CAMPUS SAFETY

PEOPLE
Weekly
2/19/1990

CRIME

The last time Constance and Howard Clery saw their daughter, a sunny Lehigh University freshman, was on an April morning in 1986 when they dropped her off at her Pennsylvania campus after spring break. Five days later Jeanne Ann Clery, 19, was found dead in her third-floor dorm, murdered by a fellow student. She had been raped, sodomized, beaten, bitten, strangled with a metal coil and mutilated with a broken bottle during the attack. At the mortuary, her distraught parents asked other family members to precede them into the viewing room because "unless she was normal, we knew we couldn't go in there. We knew we'd never be able to survive it," says Connie Clery. Recalls Howard: "They looked at her, then came to us and said, 'Jeanne's not there.' "

There was no mystery about who Jeanne Ann Clery's killer



Publicity from Henry's trial and conviction inspired early grass roots support for Howard and Connie's security campaign.

Photographs by © 1990 Marianne Barcellona

A memorial pavilion to Jeanne was built by Lehigh next to her dorm, at right above. The picture of her, far left, was still in the camera that police later found in the apartment of killer Joseph Henry.

CRIME

was. Joseph M. Henry, then 20, had boasted to friends about the murder and had some of the girl's property in his possession when the police came for him. Nor was there any mystery about how Henry, who lived off campus, managed to enter the girl's Stoughton Hall dorm. Three doors, each equipped with automatic locks, had been propped open with empty pizza boxes for the convenience of the resident students. They were equally convenient for Henry, who had been on an all-night drinking binge after losing a close student election to head the Black Student Union. Convicted in April 1987 after two hours and 15 minutes of jury deliberation, he was sentenced to the electric chair and is now appealing. "I hope I live long enough, because I'm going to be at his execution," vows Howard Clery, 60. "I ask God to help me with it, but I have enormous rage."

Clery's anger, however, soon extended further than his daughter's killer. During the trial, he and his wife learned about the lapses in security at Lehigh, and shortly after the verdict was announced, they filed a $25 million suit against the college for negligence. It was to be the first round in a campaign that would touch state legislatures, colleges and concerned parents across the country. The Clerys had lost a daughter, but the loss ignited a cause.

The suit was settled out of court (the family is prohibited from disclosing the amount), but the Clerys were not ready to close the book. They used the cash, as well as their own money, to launch Security on Campus, Inc., a nonprofit clearing house for information and advice. They began lobbying state lawmakers for statutes requiring colleges to publicize their crime statistics—not a detail generally found in cheery recruitment brochures—and in May 1988, Pennsylvania Gov. Robert Casey signed the first such bill mandating that all state colleges and universities publish three-year campus-crime reports. In addition, schools are required to have clear policies regarding alcohol and drug consumption on campus. Three more states have followed Pennsylvania's lead, 21 others have statutes in the works, and the Clerys have already begun campaigning for a federal bill as well.

In their own case, they had thought they were acting prudently when they selected a college for their only daughter. Jeanne's older brothers, Benjamin, 28, and Howard III, 31, had both graduated from Tulane University in New Orleans, and she had been accepted there as well. But the Clerys learned that a Tulane coed had been murdered off campus, and they decided to look for some place safer. They picked Lehigh, located in the rolling countryside of Bethlehem, Pa., about 60 miles from their Bryn Mawr, Pa., home. "It was so green-looking, and the people were very warm," says Connie. "Jeanne and I fell in love with it."

They assumed that Lehigh was as safe as it looked. They didn't know about the crimes that had occurred there recently. And they didn't know about Joseph Henry, a sophomore who had lost his restaurant job because of his violent behavior and who had once thrown a rock through a coed's window. Only later did they learn of the increase in crime that had taken place on the idyllic university campus.

With only 12 security guards and 5,400 students, Lehigh had been the site of 38 violent offenses—including rape, robbery and assault—in a three-year period. "Penn State, with six times as many students, had just 24 violent crimes," says Howard. "So you can see which school has the better security system." Yet making such comparisons is often impossible since "what citizen gets the FBI crime report when they're trying to decide where their children should go to college? Who would even think about doing that?"

Clery, the now retired founder of Rapidforms, a direct-mail business forms

CRIME

company, began by preparing a questionnaire for parents and prospective students to give to schools. It requests information on campus-crime rates, security procedures, dormitory guards, alarm and lock systems, drug and alcohol policies and more. "Eighty percent of the crimes committed on college campuses are committed by students," says Howard. "Schools have got to do something."

So far, more than 150,000 requests for Clery's questionnaire have been received at the Security on Campus headquarters in Gulph Mills, Pa. The organization, which has three paid staff members and five full-time volunteers, had been based in the Clery's home but moved last December to its present offices, five miles away. "It was just too hard, always seeing those grim headlines every time we turned around," says Connie, recalling the newspaper clippings the group had begun to collect.

At home, of course, there are reminders enough of their daughter. In the courtyard is the statue of a slaughtered lamb, a memorial to Jeanne. There are pictures of her on the mantel, on the desks and on the walls of the four-bedroom home. Her room remains untouched; tennis trophies remain on the shelf above her bed, and nearby sits a framed Prayer of St. Francis of Assisi, a crucifix and the dingy Snoopy doll that was her favorite.

"She was one of the first girls on the Radnor Little League team," boasts Howard, a stocky man given to cigars and verbal bluntness. Clery contracted polio at 15 and still walks with the aid of two metal canes. He is obviously a scrapper, but like the soft-spoken Barnard graduate he married 33 years ago, he speaks haltingly of his daughter now, fighting back emotion. "Most Americans saw [the space shuttle] *Challenger* splinter into a billion pieces," Connie says. "That's what happened to our hearts."

> **"What citizen gets the FBI crime report when they're trying to decide where their children should go to college?" asks Howard.**

Calling Jeanne's death "a terrible tragedy," Lehigh spokesman Dr. John Smeaton says the school has instituted a number of changes. There are now three more security guards, 24-hour-a-day patrols in the residence halls, a new emergency phone system, an evening shuttle service and, says Smeaton, "a major commitment to combat underage drinking." As a result, he says, campus assaults have diminished by about half in the past three years.

Though the tragedy of their daughter "has torn me apart," says Connie sadly, "in one sense it's been good, because we're helping so many others. And it deadens you. Nothing can hurt me now, and I have no fear. In a way, Jeanne's death has freed me."

—*Ken Gross,*
Andrea Fine in Bryn Mawr

At their offices, Howard and Connie, far right, direct Security on Campus staffers Cindy Getchis, Cheri Moidell and Lynda Getchis.

EXHIBIT #2

This published in school newspaper -- simple, and no cost!

ANNUAL REPORT TO THE COMMUNITY

From: **Michael G. Shanahan, Chief**
University Police Department HE-10

1/10/90

Subject: **University of Washington Crime Statistics**

Since the early 1970's, the University of Washington Police Department (UWPD) has made it a practice to release as early as possible crime statistics that comprise the annual report forwarded to the Federal Bureau of Investigation. Although it will be several months before state and national summaries are available, the figures below reflect 1989 data that will appear in those reports.

1989 was also the second year that UWPD published in the *Daily* quarterly crime statistics and crime prevention information to be used here as well as away from the University. Members of the UWPD believe that while our campus per capita victimization is dramatically less than its surrounding jurisdiction, it has become increasingly important to routinely follow proven personal protection techniques. We must also continue to place a high priority on the security of private and state property. Those communities that aggressively pursue the protection of property also create a more secure environment for people.

PART 1 CRIME—1989

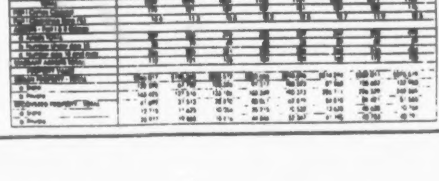
Overall, the Part I Crime statistics printed below for 1989 declined by 13% as compared to a year earlier. On the positive side, there were significant reductions in the number of reported rapes, whether committed by strangers or acquaintances. Similar declines occurred for felony assaults and robberies. While this 50% drop in felonies against the person is heartening, two events involving deadly force were tragic. One centered on a police shooting after officers were attacked by a transient armed with a knife. The second was a double homicide involving an illegal alien. Generally 85% of all serious offenses are committed by non-campus people.

1990 STRATEGIES

Although there will be great focus on the 1990 Goodwill Games and their presence on campus during July and August of this year, it will be the basic day-to-day measures we continue to take that will hold the line in coming months. In response to student surveys and other input from the community for a greater foot patrol presence between 7 a.m. and 11 p.m., four additional police officer positions have been authorized during this biennium. Recruitment, academy instruction and field training take almost nine months. However, we can expect the benefit of these four positions during Spring Quarter. It will also be important for the student community to support the efforts of the ASUW in providing an escort service. The formation of the ASUW Task Force on Crime Prevention during 1989 has led to a heightened involvement on the part of student government in community policing. That momentum needs to continue. While our campus enjoys a national reputation in the area of low crime statistics, it is best known for its support of public safety. This has involved campus as well as off-campus elements such as the Seattle Police Department.

COMMUNITY/POLICE ACTION

1989 will also be remembered for the unhappy conclusion to the Apple Cup. No one in UWPD wants to ever revisit that scenario. UWPD is working as part of the review committee to prevent a reoccurrence. This past year also marked the 16th annual Community/Police Action Drive. Our personal safety as commissioned officers and the safety of our community is found in this mutual commitment to community/police action. That is what has brought success over the past two decades. We will work to keep it as a hallmark for the 1990s.



University of Washington Police Department
Part I Crime Statistics

PART I CRIMES	1982	1983	1984	1985	1986	1987	1988	1989
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]

STUDENT FOLLIES

A Campus Newsletter Concerning Crimes and Crime Prevention on Campus January 1990

1989 Crime Statistics

Statistics from 1989 show a significant drop in the overall number of incidents. This is the second year in a row that we've had a decline. This is very encouraging and much of the credit goes to the community's increased awareness of crime. In 1990, continue to stay informed about crime. The result will be good for all of us who live and work at the University. If you are interested in the complete crime statistics, call us at 543-9338 or write to University Police, Crime Prevention Unit HE-10.

POLICE BEAT

A Campus Newsletter Concerning Crimes and Crime Prevention on Campus January 1990

- Report all suspicious persons by calling 911.
- Stay informed about crime in your work areas as well as in your neighborhood.
- **Read the POLICE BEAT.**

1989 Crime Statistics

In reviewing the 1989 crime statistics, it was pleasant to find that the number of overall incidents had declined from 1,271 in 1988 to 1,103 in 1989. Violent crimes also fell by over 50% (violent crimes include murder, rape, robbery, and aggravated assault). During 1988, 37 total violent crimes were reported, 18 were reported for 1989. Though the numbers may seem small, they are significant because of the severity of the crimes.

The total number of thefts dropped from 885 to 793. This is also encouraging but leaves room for improvement. We need to continue making life difficult for thieves who come to our campus. This can be accomplished by calling about suspicious persons and eliminating opportunities for thieves by locking up our property.

For Emergencies call 911 or 9-911 from campus phones.

UW Police Dept. Crime Prevention Unit, 1117 NE Boat St., Seattle, Wa. 98105 HE 10, 543-9338

EXHIBIT # 3A

Thomas
Jefferson
University

Office of the
President

Philadelphia, PA 19107
215 928-6617

January 12, 1990

Mr. and Mrs. Howard Clery
618 Shoemaker Road
Gulph Mills, PA 19146

Dear Mr. & Mrs. Clery:

Understanding the importance of House Bill #1900, Thomas Jefferson University supports your efforts regarding this legislation.

Enclosed is a brochure describing a number of our Security Department's policies and programs designed to help ensure the safety of Jefferson's population. You may use this brochure as a model to assist you in your efforts.

The cost for publishing this document was approximately $8,500 which included printing 15,000 copies, photographs, typesetting, and design. Other institutions could approximate their individual costs based on their population.

We applaud your successful efforts in seeking a safe campus environment for all students and employees throughout the nation. You may be assured of our continuing assistance in your ongoing work.

Sincerely,

Lewis W. Bluemle, Jr.

Lewis W. Bluemle, Jr., M.D.
President

LWB/gr
Enclosure

Founded 1824

Jefferson Medical College · Thomas Jefferson University Hospital · College of Graduate Studies · College of Allied Health Sciences

EXHIBIT # 3A

Security

Security at your service

Jefferson places a high priority on your personal safety. That is why our security department is well-trained, well-staffed and is supported by state-of-the-art security technology.

While on the Jefferson campus as an employee, faculty member, student, patient or visitor, you can be assured that our security department is working to keep you safe.

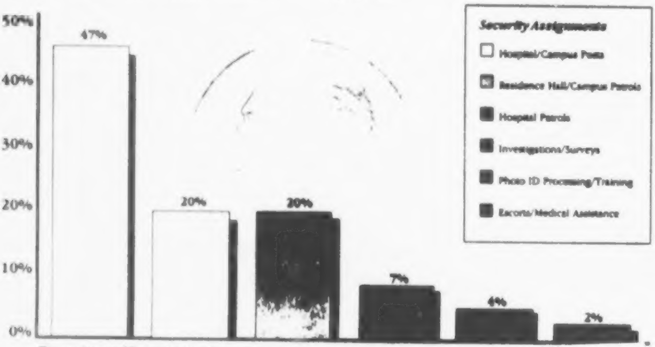
Jefferson's security department is well-trained, well-staffed and is supported by state-of-the-art security technology.

Organized under the University's vice president for administration and finance, the Jefferson security department is staffed by 104 individuals. These professionals either have extensive training and experience as police officers or have been trained under State Act 235 (legislation that defines the training and responsibilities of private security officers). To become Act 235 certified, officers receive 40 hours of training. In addition, they receive about 150 hours of recruit and in-service training and have opportunities for additional optional training.

Jefferson Security Staffing

Administration	9
Supervision	12
Investigators	6
Officers - Other Posts/Building Patrols	77
Total	**104**

Our security department works closely with the officers of the Philadelphia Police Department. In addition to extensive patrols, the department offers a variety of preventive programs.



Percentage of Security Assignments

Our population

During 1988, Jefferson admitted 24,000 patients, and provided services over 700,000 times for patients who were not admitted. It had 889 graduate medical students, 123 graduate Ph.D. students and enrolled 707 undergraduates. About 695 individuals live in on-campus housing in the Orlowitz, Barringer or Martin buildings. In addition, Jefferson employs 6,736 full-time employees in its administrative, patient care, academic and research programs. In 1988, the Jefferson campus hosted over 1 million visitors including sales representatives and vendors.

Our statistics

With so many individuals passing through our campus every day, it is no surprise that occasionally we have incidents that require our security department's expertise. In keeping with a new, state-wide program on uniform reports, we are now publishing information related to the incidents. These categories are for your use in comparing Jefferson data with that of other institutions.

	1988	*1987*	*1986*
Burglary	[redacted]	1	0
Robbery	[redacted]	0	3
Arson	[redacted]	0	1
Other Major Crimes (Rape, Homicide, Etc.)	[redacted]	0	0
Minor Assault	[redacted]	8	6
Administrative/Physician Office Thefts	[redacted]	42	60
Patient Room/Emergency Room Thefts	[redacted]	76	39
Other Campus Thefts	[redacted]	61	66
Residence Hall Thefts/ Trespassing	[redacted]	9	4
Trespassing	[redacted]	60	56
Off-campus Incidents	[redacted]	13	9
Minor Assaults/ Disorderly Conduct	[redacted]	6	5
Bomb Threats, Etc.	[redacted]	0	1
Vandalism	[redacted]	3	2

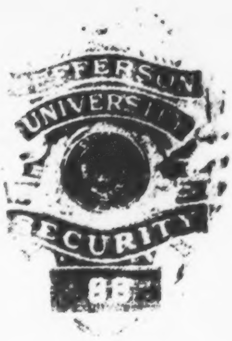
Pedestrian Traffic (Estimated Visits) By Building

	1988	*1987*	*1986*
Hospital Buildings	[redacted]	1,800,000	1,600,000
Security Incidents per 100,000 Visits	7.8	9.0	8.7
University Admin./ Academic Offices	1,300,000	1,250,000	1,200,000
Security Incidents per 100,000 Visits	7.6	9.1	9.4
Security Incidents per 100 Students (FTE)	5.7	6.1	6.4
Residence Halls	436,000	436,000	436,000
Security Incidents per 100,000 Visits	1.1	2.1	0.9
Security Incidents per 100 Students (FTE)	0.3	0.5	0.2

[illegible] security [illegible] people and technology

On Campus Housing

On-campus housing is in single or double occupancy residence hall rooms (Martin), or efficiency 1, 2, or 3 bedroom apartments (Orlowitz and Barringer). All housing is available to undergraduate/graduate or married/single students. Although the residence hall is co-ed, individual floors are not.



Any requests for a change of housing are made through the Housing Office and are assessed on the basis of need. Because of Jefferson's concentration of graduate programs, and the fact that a portion of our residence halls are made available for families of hospital patients, there are no seasons when housing occupancy is unusually low.

Jefferson maintains a variety of programs and policies to help ensure the safety of our residents. They include:

- 24 hour a day front-desk staffing, requiring Photo Identification Badges for access.
- Automated front and fire door locking devices which prevent unauthorized entry, but allow safe, easy exit in case of a fire.
- Seminars on personal protection and safety procedures.

Jefferson maintains a variety of programs and policies to help ensure the safety of our residents.

Off-campus housing is offered through a referral list, but we do not inspect or secure these units.

Remember the security department needs your help to perform its work effectively.

Our policies

Various policies are established for the safety of everyone on our campus. They are summarized here with the full text available in the security department.

Access to Jefferson All employees, students or regular visitors to the campus are required to wear a photo identification badge while on campus. Security officers regularly check for this identification at building entrances and around campus.

Sale or Use of Illegal Drugs Jefferson complies with all federal and state laws which prohibit the use, possession and sale of illegal drugs. The University will not shield any student, faculty member, employee, patient or visitor from action by civil authorities.

Sale or Use of Alcoholic Beverages Jefferson complies with all federal and state laws which regulate the sale and use of alcohol. The University neither condones, nor shields from prosecution, any individual found in violation of the Pennsylvania liquor control laws. The University does provide alcoholic beverages, on campus, for certain events.

Weapons No student, employee, patient, visitor, or faculty member is allowed to carry a lethal weapon, while on Jefferson property. This includes the storage or transport of such weapons by residents of campus housing. Although security officers are trained in the use of fire arms, they do not carry them.

Crime Reporting and Arrest Procedures
Every Jefferson employee, student, faculty member, patient or visitor who observes a security incident or problem should notify the security department. Just dial **928-8888** at any time to make a report. A special, confidential number, **928-5678** can be used, if it is not an emergency situation.

The security department is charged with the responsibility for apprehension, follow-up and resolution of any incident, under the authority of the respective divisional University official, including University Counsel. Any incident occurring off-campus or requiring an arrest will be transferred to the jurisdiction of the Philadelphia Police, and reported in the annual uniform crime report.

If you see a problem or need assistance, speak directly to a uniformed officer on campus. You can also reach our offices 24 hours a day by calling 928-8888. For additional information or if you have any questions, call the director of security at, 928-7940.

Comprehensive training, in addition to daily shift meetings keep officers current on both methods and security issues

This newsletter is provided in compliance with House Bill #1900 (Clery Legislation)

Lehigh University *Student Affairs*

University Center 29
Bethlehem, Pennsylvania 18015
(215) 758-4156

Date

Dear

I am writing in response to your recent request for crime statistics at Lehigh University. The enclosed table contains a statistical summary of crimes over the past three years. In reviewing this information you should understand how the statistics are compiled and how to interpret the data presented.

Lehigh police have reported criminal activity on campus to the Pennsylvania State Police since 1981, according to the guidelines established for the Uniform Crime Report (UCR). As a matter of policy, Lehigh generates such reports for police purposes, not public relations purposes and therefore the categories and definitions used are those used by law enforcement agencies.

Raw data, such as those provided in the UCR, need to be viewed in perspective. An increase in reports of a certain type may be reflective of an actual increase in the problem and yet it may also represent increased awareness and/or effectiveness by the campus police. When comparing UCR data among college campuses, one must also consider whether the campus employs police officers with full arrest powers or merely security guards. At Lehigh, our campus police have full police training and authority.

A review of the table shows that the most common problems over the past three years at Lehigh have been theft and vandalism. In 1988 and again in 1989, offenses involving the abuse of alcohol, reflecting our increased effort to combat underage drinking, constitute a third general category. These three categories combined account for over two-thirds of the crimes reported during the past two years.

If you have questions about campus safety in general or the statistics provided with this letter, I would welcome inquiries either by telephone or mail.

Sincerely,

John W. Smeaton
Asst. V.P. for Student Affairs

Enclosure

SECURITY
AND
SAFETY

WILSON
COLLEGE

Wilson College

WILSON COLLEGE, located on 270 acres in Chambersburg, Pennsylvania, has an enrollment of approximately 665 full-time and part-time students. Residents number between 130 and 145. The College has 33 full-time and 24 part-time faculty members with a support staff of 114 members full-time and 20 part-time. The belief in the Honor Principle of Wilson College by the entire College community helps to promote safety and security on the campus.

SECURITY DEPARTMENT

Policies and Procedures

The Wilson College Security Department maintains security coverage 24 hours a day, seven days a week. Contact with department personnel is by way of the switchboard which is open 16 hours a day on a normal basis and 24 hours if necessary. When the switchboard is closed, Security can be reached through a 24-hour telephone number. Resident Advisors have radio contact in the evening and during emergencies. Security checks the campus on foot and in mobile patrols. All outside doors of the dormitories are locked at night by Security, checked by House Presidents, then rechecked by Security. Members of the Security Department do not enter the dorms unless requested to do so by the students. Outside areas around the campus are well lighted and consideration is given to security with regard to planting and trimming shrubs and trees.

An Emergency Contingency Plan is distributed by the Director of Operations to all members of the Wilson College community. The Plan lists both procedures and telephone numbers of persons to contact.

Personnel

The Security Department consists of six officers, two of whom are certified with full arrest powers. Security checks by both State Police and the FBI are done on all new officers. They receive on-the-job training and, after one year in the Department, are given required training in the use of lethal weapons (Act 235). The Department maintains good working relations with both the Chambersburg Police Department and the Pennsylvania State Police. The Chambersburg Police Department is called for assistance on investigation of crimes and criminal information is exchanged as required.

All incident reports are kept on file in the Security Office. Chambersburg Borough and State Police receive copies of reports when they assist Wilson Security in the incident.

The Security Department conducts a workshop for Resident Advisors and House Presidents during the first week of classes to present and update security information. House Presidents conduct house meetings, especially during the first week of classes, to present information to resident students and to update security information.

Access to Wilson College Facilities

All classroom buildings are open from 7 AM to 10 PM. After hours, a person must have permission from the department head to use the facilities and keys are signed out at the switchboard. Outside groups must make arrangements for the use of space on campus through the Conference Office.

Policy on Firearms

Security officers are not armed but are State certified to carry lethal weapons. No firearms are allowed on campus with the exception of students who are participating in shooting sports. These weapons must be kept in the Security Office.

Policy on Criminal Records

Records concerning any criminal convictions on the part of students or employees after they are on campus are kept on file in the Security Office.

HOUSING

For the 1988-89 school year, there are 136 students in student housing. The Residence Life Director, who has formal training in counseling, CPR and crisis intervention techniques, also resides in one of the dormitories. Wilson College provides each student with three visitation options (7-day visitation, weekend visitation or non-visitation) and residence halls are so designated. Single, double and triple housing arrangements are available in the residence halls. Residence Hall regulations are concerned with the application of Wilson College's Honor Principle. All regulations regarding dorm visitation options, hours, quiet hours, etc., as well as penalties for infractions, are discussed in the Wilson College *Blue Book/Student Handbook*. There is no housing available in the residence halls for married students and their husbands.

All students except those designated day students are required to reside in College housing and participate in the College board plan. Special authorization to live off campus must be obtained from the Office of Student Affairs.

Securing Doors and Windows

All student dorm windows have locks and the doors have a night latch and dead bolt. Students are encouraged to keep rooms locked at all times.

It is the responsibility of the House President to lock the residence hall at night, including locking windows, turning out lights and checking the sign-in boxes. Each student is issued a key to the residence hall and their room.

Dorm rooms are selected by room drawings as described in the *Student Handbook*. Freshmen are assigned rooms and roommates for their first semester on campus. Room changes are made by application to the Dorm Advisory Council in the first few weeks of the semester.

Emergency Protocol

An Emergency Protocol Manual is distributed to Resident Advisors and Student Affairs staff. Detailed procedures to be followed in all cases of emergency, including notifications and contact person, are described in this manual.

Alcoholic Beverages and Illegal Drugs

Wilson College students and their guests are expected to comply with the Pennsylvania State laws and the Wilson College Honor Principle concerning the use of alcoholic beverages. Sections 675, 676 and 677 of the Pennsylvania State laws are printed in the *Blue Book/Student Handbook*. The policy and procedure with respect to illegal drugs and drug abuse is clearly defined in the Wilson College *Blue Book*. The College stands ready, through its medical and psychological services, to render assistance to students who may need help in coping with the dangers inherent in drug abuse.

Utilization of Facilities

The Director of Conferences is responsible for scheduling of campus facilities. During the academic year, Prentis and Disert Halls are available for outside group rentals. On an occasional basis, when not in use by the College community, other facilities are available to outside groups. During the summer months, all spaces except faculty offices are available for conference rentals.

Safety, security and residence hall regulations for outside groups using the facilities are written into the contract for use of the building.

The Dorm Advisory Council is responsible for the designation of public and private rooms on campus. Requests are coordinated by the Resident Advisors, House Presidents and the Dean of Student Affairs.

Crime Statistics

Statistics are available upon request from the Security Department.

February 1989

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2802C
JURIS NO.

PA
PA 281 0000
ORI (NCIC) NO.

PENNSYLVANIA
MONTHLY COUNT OF OFFENSES
KNOWN TO POLICE

Report forms are available ONLY thru your State Police Liaison Officer

Forward By 5th Day After The End of Each Month To The Assigned State Police Station

1 CLASSIFICATION OF OFFENSES PART I OFFENSES	CODE	2 OFFENSES REPORTED OR KNOWN TO POLICE (INCLUDE UNFOUNDED AND ATTEMPTS)	3 UNFOUNDED, I.E., FALSE OR BASELESS COMPLAINTS	4 NUMBER OF ACTUAL OFFENSES (COLUMN 2 MINUS COLUMN 3) (INCLUDE ATTEMPTS)	5 TOTAL OFFENSES CLEARED BY ARREST OR EXCEPTIONAL MEANS (INCLUDES COL. 6)	6 NUMBER OF CLEARANCES INVOLVING ONLY PERSONS UNDER 18
01. CRIMINAL HOMICIDE A. MURDER AND NONNEGLIGENT MANSLAUGHTER	11					
B. MANSLAUGHTER BY NEGLIGENCE	12					
02. FORCIBLE RAPE TOTAL	20					
A. RAPE BY FORCE	21					
B. ASSAULT TO RAPE - ATTEMPTS	22					
03. ROBBERY TOTAL	30					
A. FIREARM	31					
B. KNIFE OR CUTTING INSTRUMENT	32					
C. OTHER DANGEROUS WEAPON	33					
D. STRONG ARM (HANDS, FEET, ETC.)	34					
04. ASSAULT TOTAL	40					
A. FIREARM	41					
B. KNIFE OR CUTTING INSTRUMENT	42					
C. OTHER DANGEROUS WEAPON	43					
D. HANDS, FISTS, FEET, ETC.	44					
E. OTHER ASSAULTS (NOT AGGRAVATED)	45	2		2		
05. BURGLARY TOTAL	50	2		2		
A. FORCIBLE ENTRY	51					
B. UNLAWFUL ENTRY - NO FORCE	52					
C. ATTEMPTED FORCIBLE ENTRY	53					
06. LARCENY – THEFT (EXCEPT MOTOR VEHICLE THEFT)	60	7		7		
07. MOTOR VEHICLE THEFT TOTAL	70	7		7		
A. AUTOS	71					
B. TRUCKS AND BUSES	72					
C. OTHER VEHICLES	73					
08. ARSON	90					
TOTAL PART I OFFENSES	77	9		9		

NUMBER OF LAW ENFORCEMENT OFFICERS KILLED OR ASSAULTED THIS MONTH		
NUMBER OF OFFICERS KILLED		NUMBER OF OFFICERS ASSAULTED
BY FELONIOUS ACT	BY ACCIDENTAL OR NEGLIGENT ACTS	
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NUMBERS REPORTED IN THE ABOVE BLOCKS MUST ALSO BE REPORTED ON RETURN F

Wilson College
Department Reporting

Franklin Pa. 17201
County Zip Code

Annual Report for 19 89
Report for Month of

9 Jan. 19 90
Date of Report

Telephone Number of Preparer
AREA 717 EXCH 264 NO 2928

Norman McCleary, Chief
Prepared By Title

Norman A. McCleary
Head of Department

PENNSYLVANIA STATE POLICE
UCR RETURN A (7-81)

A 2802C
JURIS NO

PENNSYLVANIA
MONTHLY COUNT OF OFFENSES KNOWN TO POLICE

1 CLASSIFICATION OF OFFENSES PART II OFFENSES	2 OFFENSES REPORTED OR KNOWN TO POLICE (INCLUDE UNFOUNDED AND ATTEMPTS)	3 UNFOUNDED, I.E., FALSE OR BASELESS COMPLAINTS	4 NUMBER OF ACTUAL OFFENSES (COLUMN 2 MINUS COLUMN 3) INCLUDE ATTEMPTS	5 TOTAL OFFENSES CLEARED BY ARREST OR EXCEPTIONAL MEANS (INCLUDES COL. 6)	6 NUMBER OF CLEARANCES INVOLVING ONLY PERSONS UNDER 18
100. Forgery and Counterfeiting					
110. Fraud					
120. Embezzlement					
130. Stolen Prop., Rec., Possess., Buying					
140. Vandalism	2		2	1	
150. Weapons, Carrying, Possess. etc.					
160. Prostitution and Commercialized Vice					
170. Sex Offenses (except 02 and 160)	1		1		
180. Drug Abuse Violations TOTAL					
SALE/MFG. 18A. OPIUM, COCAINE					
18B. MARIJUANA					
18C. SYNTHETIC					
18D. OTHER					
POSSESSION 18E. OPIUM-COCAINE					
18F. MARIJUANA					
18G. SYNTHETIC					
18H. OTHER					
190. Gambling TOTAL					
19A. BOOK MAKING					
19B. NUMBERS, ETC.					
19C. OTHER					
200. Offenses Against Family & Children					
210. Driving Under the Influence					
220. Liquor Laws					
230. Drunkenness					
240. Disorderly Conduct	4		4	2	
250. Vagrancy					
260. All Other Offenses (except traffic)	1		1		
TOTAL PART II OFFENSES	8		8	3	

PENNSYLVANIA STATE POLICE
UCR RETURN A
PAGE 2